

be continued as at present; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of the State of California, for passage of House bill 20477; to the Committee on the Public Lands.

Also, memorial of the Russian River Chamber of Commerce, for improvement of Yosemite National Park; to the Committee on Appropriations.

Also, petitions of the Civic League of Sacramento, the Civic Center of Emeryville, Cal., and the California Club, for an appropriation for enforcement of the white-slave traffic act; to the Committee on Appropriations.

Also, petition of the California State Hardware Association, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of E. G. Gerbrich and others, of the State of California, for passage of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. RANDELL of Louisiana: Petition of citizens of the State of Louisiana, for certain amendments to the public-land laws; to the Committee on the Public Lands.

By Mr. REYBURN: Petition of the Philadelphia (Pa.) Chamber of Commerce, protesting against the passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Philadelphia (Pa.) Chamber of Commerce, for continuance of the Tariff Commission; to the Committee on Ways and Means.

By Mr. RIORDAN: Petition of citizens of New Dorp, N. Y., for establishment of free delivery at New Dorp, Staten Island, New York City; to the Committee on the Post Office and Post Roads.

By Mr. ROUSE: Petitions of citizens of Kentucky, in favor of building one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. RUCKER of Colorado: Petition of Robert Barclay and others, of Denver, favoring the building of one battleship in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of Woman's Christian Temperance Union of Colorado, protesting against repealing the anticaneen law; to the Committee on Military Affairs.

Also, petition of the membership of Farmers' Union No. 220, of Severance, Colo., favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of George Dierden and others, of Louisville, Colo., for old-age pensions; to the Committee on Pensions.

By Mr. SHERWOOD: Petitions of citizens of the ninth congressional district of Ohio, for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: Petitions of citizens of the State of Tennessee, for establishment of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. SMITH: Petitions of citizens of the State of Michigan, in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of 15 citizens of Tekonsha, 7 citizens of Litchfield, Edwards & Chamberlin Hardware Co., Kalamazoo; Coldwater Council, No. 452, U. C. T.; and 8 citizens of Waldron, Mich., against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Charlotte, Mich., protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

Also, petition of the Detroit (Mich.) Board of Commerce, for passage of House bill 18005, to erect State agricultural buildings; to the Committee on Agriculture.

Also, petition of citizens of Kalamazoo, Mich., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Venetian, Coldwater, Mich.; Veno Royston, Grand Ledge, Mich.; W. S. Butterfield, Battle Creek, Mich.; Lipp & Cross, Battle Creek, Mich.; Orpheum Theater, Kalamazoo, Mich.; Howard L. Hobday, Union City; and H. B. Knapp, Battle Creek, for the passage of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. SMITH of New York: Petition of citizens of Colden, N. Y., for passage of House bill 14, providing for a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Petition of citizens of Huntington Park, Vernon, and Florence, Cal., for passage of the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of the Woman's Christian Temperance Union of Los Angeles, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of Los Angeles, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of the State of California, for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. TAGGART: Petition of Vinland Grange, No. 163, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TALBOTT of Maryland (by request): Petition of citizens of Carroll County, Md., protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of the Hartford Yacht Club, of Hartford, Conn., protesting against passage of House bill 15786; to the Committee on the Merchant Marine and Fisheries.

By Mr. WATKINS: Petition of citizens of Natchitoches and Rossier Parishes, La., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Winn Parish, La., for old-age pensions; to the Committee on Pensions.

By Mr. WHITE: Petitions of citizens of Rainbow, Stockport, and Caldwell, Ohio, favoring the Sulzer parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. WILLIS: Memorial of Rush Creek Grange, Rushsylvania, Ohio, in favor of extension of the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of New York: Petition of members of Improved Order of Red Men of fourth congressional district of New York, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

SENATE.

THURSDAY, March 21, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. McCUMBER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

IMPROVEMENT OF THE MISSISSIPPI RIVER (S. DOC. NO. 450).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to Senate concurrent resolution No. 18, a letter from the Acting Chief of Engineers, United States Army, relative to the work of levee construction in the improvement of the navigability of the Mississippi River, on the east bank thereof from Vicksburg to Bayou Sara, etc., together with a copy of a special report from the acting president of the Mississippi River Commission, which, with the accompanying papers, was referred to the Committee on Commerce and ordered to be printed.

NAVY RETIRED LIST (S. DOC. NO. 449).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 15th ultimo, a statement showing the number of officers on the retired list of the Navy January 1, 1912, according to grade and rank and amount of yearly compensation paid to such officers of each such grade and rank, etc., which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 11824) to amend section 113 of the act to "codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the Woman's Christian Temperance Unions of Weirsdale, Fla., and Dayton, Ky., and of the congregations of the Methodist Episcopal Church South, of Georgetown, Tex., and the Methodist Church of Thompson, Pa., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented memorials of members of the Board of Trade of Kansas City, Mo.; of the Chamber of Commerce of Baltimore, Md.; and of the Chamber of Commerce of Philadelphia, Pa., remonstrating against any reduction being made in

the annual appropriation for the maintenance of the Diplomatic and Consular Service, which were referred to the Committee on Appropriations.

He also presented a petition of members of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to exempt from toll all American ships engaged in coastwise traffic through the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of members of the Chamber of Commerce of Philadelphia, Pa., praying that an adequate appropriation be made for the continuance of the Tariff Board, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Highland, De Land, Dongola, Plainfield, and Murphysboro, all in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 224, International Brotherhood of Blacksmiths and Helpers, of La Salle, Ill., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of the congregation of the Methodist Episcopal Church of Verona, Ill., and a petition of the Woman's Christian Temperance Unions of Verona and Reno, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Belleville and Elizabethtown, in the State of Illinois, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented a petition of 166 citizens, members of the Methodist Church of Sheridan, Wyo., and a petition of 50 citizens, members of the Baptist Church of Sheridan, Wyo., praying for the passage of the so-called Kenyon-Sheppard bill to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented memorials of sundry citizens of Dwight, Admire, Lecompton, Junction City, Belleville, Quenomo, Larned, Manchester, Argonia, and Carlton, all in the State of Kansas, remonstrating against the enactment of legislation authorizing the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Wichita, Kans., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRIGGS presented a petition of members of the Board of Education of Newark, N. J., praying that an appropriation be made for the preservation of captured flags and banners in the possession of the United States Naval Academy at Annapolis, Md., which was referred to the Committee on Naval Affairs.

He also presented petitions of members of the Friday Club of Bridgeton, of the Christian Endeavor of Woodcliff-on-Hudson, and of sundry citizens of Cranford, all in the State of New Jersey, praying for the enactment of legislation to prohibit the use of phosphorus in the manufacture of matches, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Boonton, Millington, Haddenfield, Chester, Cranbury, Park Ridge, Absecon, Bound Brook, Plainfield, Newton, and Pittstown, all in the State of New Jersey, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of members of the Friday Club and the Lutheran Church, of Bridgeton; of the Woman's Christian Temperance Union and the Reformed Church, of Asbury Park; of the Plumsted Presbyterian Church, of New Egypt; of sundry citizens of Woodcliff-on-Hudson and Ridgefield Park; of the Methodist Episcopal Church of Almonesson; the First Methodist Episcopal Church of Asbury Park; the Methodist Episcopal Church of Barnegat; the Christian Church of Vienna; the Presbyterian Church of Barnegat; the Woman's Christian Temperance Union of Dumont and Trenton; and of sundry citizens of Newark and Montclair, all in the State of New Jersey; and of the Salt's Textile Manufacturing Co., of New York City, N. Y., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of members of the Deutsch-Amerikanischer Central Verein, of Orange; the German-Irish

Alliance of Essex County, Newark; and of the Williamstown Glass Co., of Williamstown, all in the State of New Jersey, remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 5192) for the relief of W. B. Horn, which were referred to the Committee on Post Offices and Post Roads.

Mr. LODGE. I present resolutions adopted by the House of Representatives of the General Court of Massachusetts, which I ask may be printed in the RECORD, and referred to the Committee on Naval Affairs.

The resolutions were referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
HOUSE OF REPRESENTATIVES,
March 8, 1912.

Whereas it is proposed to remove or abolish the United States navy yard in the Charlestown district of the city of Boston; and Whereas in the opinion of the House of Representatives of the Commonwealth of Massachusetts such a step would be detrimental to the interests of Charlestown, of the port of Boston, and of the entire Commonwealth: Therefore be it

Ordered, That the Senators and Representatives in Congress from this Commonwealth be requested to use their best endeavors to prevent such removal or abolishment; and be it further

Ordered, That a copy of this order be sent by the clerk of the house of representatives to the Senators and Representatives in Congress from this Commonwealth.

A true copy.

Attest:

JAMES W. KIMBALL,
Clerk of the House of Representatives.

Mr. LODGE presented a memorial of sundry employees of the pulp and paper mills of Massachusetts, remonstrating against the placing of wood pulp and print paper on the free list, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Gardner, Mass., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry employees of the N. Ward Co., of Boston, Mass., remonstrating against any reduction of the duty on glue, which was referred to the Committee on Finance.

Mr. WETMORE presented the petition of H. J. Wheeler, director, and other members of the Rhode Island Horticultural Association, praying for the enactment of legislation to regulate the importation and interstate transportation of nursery stock, which was referred to the Committee on Agriculture and Forestry.

Mr. BRANDEGEE presented a memorial of 100 employees of the American Shear & Knife Co., of Hotchkissville, Conn., remonstrating against a reduction of the duty on cutlery, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Southington, Conn., remonstrating against the repeal of the antican-teen law, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Meriden and Brookfield, in the State of Connecticut, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented resolutions in the nature of a memorial adopted by the Fishermen's Protective Association of Noank, Conn., remonstrating against the enactment of legislation to regulate the use of power boats, which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which were referred the following resolutions, reported them severally without amendment:

S. Res. 254. Authorizing the Committee on Forest Reservations and the Protection of Game, or any subcommittee thereof, to conduct hearings, etc., and to sit during the sessions of the Senate;

S. Res. 255. Authorizing the Committee on Public Lands to employ a stenographer, etc.; and

S. Res. 252. Authorizing the Committee on Fisheries to conduct hearings, employ stenographers, etc.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 242, directing the Committee on Post Offices and Post Roads to inquire into and report to the Senate whether post-office inspectors are being sent through the country to influence postmasters to aid in the election of delegates for or

against any candidate for the presidency, etc., reported it without amendment, and submitted a report (No. 497) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 5676) authorizing the Secretary of the Interior to set aside for sanatorium purposes not to exceed four sections of the unallotted tribal lands of the Choctaw and Chickasaw Nations of Oklahoma, reported it without amendment and submitted a report (No. 495) thereon.

He also, from the same committee, to which was referred the bill (S. 5141) to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes, reported it with amendments, and submitted a report (No. 494) thereon.

Mr. OWEN. From the Committee on Indian Affairs I report back favorably without amendment the bill (H. R. 19863) authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa, Comanche, and Apache ceded lands in Oklahoma, and I submit a report (No. 496) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CURTIS. I object, unless there is some explanation of it.

Mr. OWEN. The bill has already passed the House. It meets the approval of the Assistant Secretary of the Interior, Mr. Adams, whose report accompanies the report of the committee. I thought the Senator from Kansas was informed in regard to it.

Mr. CURTIS. I was not. I was not at the committee meeting when the bill was ordered reported out.

Mr. OWEN. It was ordered reported this morning from the committee before the Senator from Kansas came into the committee, I suppose. They simply have had a drought there for three successive years, and this is only extending the time. It is a matter to which I think there can be no objection.

The VICE PRESIDENT. Does the Senator from Kansas object?

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. Objection is made, and the bill goes to the calendar.

MANUEL AGÜERO Y JUNQUÉ.

Mr. DU PONT. I report back favorably without amendment from the Committee on Military Affairs the joint resolution (S. J. Res. 91) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. Manuel Agüero y Junqué, of Cuba, and I ask for its present consideration.

The VICE PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Secretary of War be, and hereby is, authorized to permit Mr. Manuel Agüero y Junqué, of Cuba, to receive instruction at the United States Military Academy at West Point: Provided, That no expense shall be caused to the United States thereby, and that the said Manuel Agüero y Junqué shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said Manuel Agüero y Junqué shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct and so recommended by the academic board: And provided further, That in the case of the said Manuel Agüero y Junqué the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. GALLINGER. Mr. President, I will ask the Senator from Delaware how many of these young men from different countries are now in the Military Academy, if he can give the information?

Mr. DU PONT. Mr. President, I will say to the Senator from New Hampshire that there are only two young men actually there at the present time, Hernan Arthur Ulloa, of Costa Rica, receiving instructions under the provisions of the joint resolution of Congress approved January 18, 1908, and Demetrio Castillo, Jr., of Cuba, receiving instruction under the provisions of an act of Congress approved March 4, 1909. It is true that there has been authority granted to admit three more, but they have not yet reported.

Mr. GALLINGER. I recall the fact, Mr. President, that not long ago such authority was granted for three other young men; I have forgotten from what country they hailed, but it seemed to me we were liable to overdo this thing if we did not call a

halt. Can the Senator state where those three are to come from?

Mr. DU PONT. Yes; I will give the Senator full information.

Under the authority of the joint resolution approved January 26, 1912, the one to which the Senator probably refers, José Pasos Diaz, of Nicaragua, son of the president of that country, was permitted to enter the Military Academy for instruction in June next. Authority has also been granted by the joint resolution of Congress approved February 24, 1911, for the admission of two Chinese subjects, to be designated hereafter by the Government of China, to receive instruction at the Military Academy.

Mr. GALLINGER. Mr. President, I called attention to this matter simply by way of suggestion. I think there is some danger of our being a little too liberal in this respect, educating young men who possibly may be troublesome to us in time of war. If we educate the Chinese young men, a nation that is developing very rapidly and that will become a warlike nation in the near future with 400,000,000 or 500,000,000 people, I am not quite sure whether it is good policy. But I, of course, do not object to the consideration of the joint resolution. I simply wanted to call the attention of the Senate to the matter; that was all.

Mr. HEYBURN. Mr. President, I should like to inquire whether or not, in the process of educating at West Point or Annapolis, as the case may be, these student cadets have full access to Government publications containing plans, statements, and statistics that might be used to some advantage against our country. We are quite particular in excluding what we call spies, who come to get such information as we have in regard to our systems of defense. Does a student enrolled at West Point, passing through the ordinary course of education, have access to that kind of information?

Mr. DU PONT. I will say to the Senator from Idaho that he has access to no greater sources of military information than are to be found in every public library. All matters of a confidential nature are kept in the War Department or the Navy Department, and no student at West Point, be he American or foreigner, has any access to them.

Mr. HEYBURN. I had supposed that was the fact, but I wanted that it should appear in the Record in connection with the consideration of this question. As a principle, I am opposed to opening our naval and military schools to the education of possible enemies. But I am not disposed to carry it further than to state my objection. Still, I like to inquire from time to time just how far it goes and the status of the matter.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRIGGS:

A bill (S. 5948) authorizing the Secretary of War, in his discretion, to permit the Hires Turner Glass Co. to connect its property at Rosslyn, Va., with the water main of Fort Myer, Va. (with accompanying papers);

A bill (S. 5949) for the relief of James Danielson (with accompanying papers); and

A bill (S. 5950) to regulate the filling of vacancies in the Corps of Cadets at the United States Military Academy not otherwise provided for by existing law; to the Committee on Military Affairs.

A bill (S. 5951) granting a pension to Mary Agnes Drumgoold; to the Committee on Pensions.

By Mr. NIXON:

A bill (S. 5952) to provide for an enlarged homestead entry in Nevada where sufficient water suitable for domestic purposes is not obtainable upon the lands; to the Committee on Public Lands.

By Mr. CULLOM:

A bill (S. 5953) granting an increase of pension to Samuel B. Baker (with accompanying papers); to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 5954) granting an increase of pension to James Jordan (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 5955) for the relief of certain retired officers of the Navy and Marine Corps; to the Committee on Naval Affairs.

A bill (S. 5956) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 5957) providing for the issuance of patents to entrymen for homesteads in the so-called Flathead irrigation project; to the Committee on Public Lands.

By Mr. SMITH of Michigan:

A bill (S. 5958) to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or near-by waters and salvaged by American citizens and repaired in American shipyards; to the Committee on Commerce.

A bill (S. 5959) granting a pension to E. S. Pease;

A bill (S. 5960) granting an increase of pension to David C. Crawford; and

A bill (S. 5961) granting a pension to Mrs. George O. Richardson; to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 5962) to increase the limit of cost of the addition to the site of the Federal building at Utica, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. JONES:

A bill (S. 5963) to amend an act to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907; to the Committee on Finance.

By Mr. BANKHEAD:

A bill (S. 5964) for the relief of estate of J. H. Christian, deceased (with accompanying paper); to the Committee on Claims.

A bill (S. 5965) granting a pension to Nancy J. Haskett; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 5966) granting an increase of pension to William Day (with accompanying paper); and

A bill (S. 5967) granting an increase of pension to John T. Allen (with accompanying paper); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 5968) granting an increase of pension to John W. Shaw;

A bill (S. 5969) granting an increase of pension to Ellen S. Kirkham;

A bill (S. 5970) granting an increase of pension to Frank S. Shaffer; and

A bill (S. 5971) granting an increase of pension to Cornelia M. Hale; to the Committee on Pensions.

JAMES BUTLER AND OTHERS.

Mr. BRIGGS submitted an amendment intended to be proposed by him to the bill (S. 5547) for the relief of James Butler and others, which was referred to the Committee on Claims and ordered to be printed.

PENNSYLVANIA-VOLUNTEER MILITIA.

Mr. BRIGGS submitted an amendment intended to be proposed by him to the bill (S. 5279) extending the benefits of the general pension laws to the organizations comprising the Pennsylvania Volunteer Militia, otherwise known as the "emergency men," which was referred to the Committee on Pensions and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. McLEAN submitted an amendment proposing to appropriate \$54,000 for improving West River, Conn., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate \$11,000 for improving Stockton Harbor, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WETMORE submitted an amendment relative to the improvement of Dutch Island Harbor, R. I., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to grant Louis M. Tisdale the right and authority to construct and operate a channel through Mobile Bay, etc., intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

He also submitted an amendment relative to the extension of the contract with the Ragland Water Power Co. to complete the dam partially built by the United States at Lock No. 4

on the Coosa River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

THE INITIATIVE, REFERENDUM, AND RECALL.

Mr. GALLINGER. I ask unanimous consent that 1,000 additional copies be printed, for the use of the document room, of Senate Document No. 406, being the address by the senior Senator from Massachusetts, Mr. LODGE, delivered at Princeton University March 8, 1912.

The VICE PRESIDENT. Without objection, the order will be entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That 1,000 additional copies of Senate Document No. 406, "The Compulsory Initiative and Referendum and the Recall of Judges," be printed for the use of the Senate document room.

WITHDRAWALS OF PUBLIC LANDS (S. DOC. NO. 448).

Mr. CLARK of Wyoming. I ask unanimous consent to have printed as a Senate document the speech delivered June 14, 1910, by a very able and distinguished Senator in this Chamber, the late Hon. Charles J. Hughes, jr., of Colorado, on the withdrawals of public lands in certain cases.

The VICE PRESIDENT. Without objection, an order therefor is entered.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I move that the Senate proceed to consider the bill (S. 5194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension the following-named persons at the rates stated:

James T. Brown, late of Troop K, Seventh Regiment United States Cavalry, War with Spain, \$12.

John W. Sturm, late of Company K, Third Regiment Tennessee Volunteer Infantry, War with Spain, \$12.

William A. Hamilton, late of Company F, First Regiment Tennessee Volunteer Infantry, War with Spain, \$12.

Thomas McCavan, late of Company D, Sixth Regiment United States Infantry, and Company B, Fourth Regiment United States Volunteer Infantry, War with Spain, \$12.

Archie E. Booth, late of Company D, Third Regiment Wisconsin Volunteer Infantry, War with Spain, \$12.

Albert F. Reynolds, late of Company C, Sixteenth Regiment United States Infantry, War with Spain, \$16.

Jacob Adams, late of Company H, Seventh Regiment United States Cavalry, \$20.

John Waalkes, late of Company C, Thirty-fourth Regiment Michigan Volunteer Infantry, War with Spain, \$30.

Harriet J. Bockerman, widow of August Bockerman, late of Troop A, Seventh Regiment United States Cavalry, \$12.

Jacob Korby, late of Company C, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, \$10.

James C. Smith, late of Company M, Fourth Regiment Tennessee Volunteer Infantry, War with Spain, \$12.

Ralph W. Ingard, late of Company B, Second Regiment Ohio Volunteer Infantry, War with Spain, \$12.

Harry McFarlin, late second lieutenant Company K, First Regiment Florida Volunteer Infantry, War with Spain, \$24.

Josephine K. Woodson, widow of Albert E. Woodson, late major Ninth Regiment United States Cavalry and brigadier general United States Army, \$40.

Vee Aiken, widow of William M. Aiken, late of Troop F, Third Regiment United States Cavalry, \$12 per month and \$2 per month additional on account of the minor child of said William M. Aiken until he reaches the age of 16 years.

Bert Derendinger, late of Company I, Thirty-first Regiment Michigan Volunteer Infantry, War with Spain, \$20.

Harry Colpus, late of Hospital Corps, United States Army, War with Spain, \$15.

Abner E. Armstrong, late of Capt. Wilber's Company D, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, \$16.

Mealchi Baughman, late of Capt. R. L. Williams's Company E, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, \$16.

Hiram R. McCord, late of Capt. W. H. Latshaw's Company A, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, \$16.

Mahlon Petree, late of Capt. W. H. Latshaw's Company A, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, \$16.

Andrew McDonal, late of Company C, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, \$24.

George F. Wallet, late of Company C, Third Regiment Wisconsin Volunteer Infantry, War with Spain, \$12.

Charles Miller, late of Company I, Fourth Regiment United States Infantry, War with Spain, \$40.

Jesse Turrentine, late of Company C, First Regiment Alabama Volunteer Infantry, War with Spain, \$20.

William F. Pace, late of Colonel Markham's Nauvoo Legion, Utah Volunteers, Utah Indian war, \$16.

Margaret B. Sherman, widow of Francis H. Sherman, late lieutenant commander, United States Navy, and commodore, United States Navy, retired, \$40.

Mr. McCUMBER. On page 6 I move to strike out, from line 9 to line 13, inclusive, the item relative to Margaret B. Sherman. I desire to state as a reason for striking this out that the item is one taken from a bill introduced by the senior Senator from Wisconsin [Mr. LA FOLLETTE], and he desires that it be taken out because he thinks the committee did not allow as great an amount as should have been allowed in this case, and he wishes it to be again submitted to the committee.

The VICE PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 6 it is proposed to strike out, from line 9 to line 13, inclusive, as follows:

The name of Margaret B. Sherman, widow of Francis H. Sherman, late lieutenant commander, United States Navy, and commodore, United States Navy, retired, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, before the bill passes from the Committee of the Whole I wish to ask the chairman of the Committee on Pensions, with reference to the Spanish-American War pensions, whether the beneficiaries could have been pensioned under the general law as it now exists, and why special pensions are necessary for them? Nearly all of the pensioners named in this bill are Spanish-American War pensioners, and they classify themselves practically under the same head. Therefore, instead of making any motion to strike out, classifying the Spanish-American War pensions contained in the bill as a whole, I ask that information from the chairman of the committee.

Mr. McCUMBER. Mr. President, I do not know that I fully understood, on account of some disturbance in the Chamber, everything the Senator from Georgia said in his request. I will, however, again reassert what I stated on yesterday, that on account of there being but one pension committee in the Senate and two pension committees in the other House, we divide the bills in such a way so that all of those which would go to the Committee on Invalid Pensions in the other House shall be in one bill, and all of those which would go to the Committee on Pensions of the other House will be included in another bill. The Committee on Invalid Pensions in the House considers only cases of Civil War veterans, while the other committee considers the veterans of all other wars and what we know as the Regular Establishment. Therefore, in this bill we have those of the Spanish War, some of the Mexican War, and some in the Regular Establishment.

Mr. SMITH of Georgia. If the Senator will allow me, he is putting himself to a little more trouble than I meant to put him to. I only asked, as the large majority of these pensioners are Spanish-American War pensioners, that the chairman of the committee should explain to us whether they are not covered by the general law, and why the committee deemed it essential to give these pensioners special pensions when we have a general law applicable to the Spanish-American War pensions?

Mr. McCUMBER. The same rule would apply in this case, Mr. President, that would apply to special bills in relation to those of the Civil War, except the same degree of increase would not be allowed for two reasons: First, because of the character of the conflict, and second, because of the disparity of the ages between pensioners of the Civil War and those of the Spanish-American War. Wherever we have granted an additional pension to a veteran of the Spanish War over and above what the general law allows him, we have granted it because, as a committee, we have felt that it was a case of that character that demanded a greater amount. For instance, there are quite a number—I do not know whether they are in this bill or not—of those who became sick in the Philippines with some ailment that seemed to affect the mind. Quite a number of soldiers became insane more or less because of the service. Often the amount allowed in such cases is not sufficient. Sometimes the particular ailment can not be attributed absolutely, by the department at least, to service origin. We have been more liberal probably in the matter of determining that a case is of service origin than has been the department. Whenever the exigency

of the case—the poverty, the disease, the affliction which affects the soldier—is so great that the committee feel that a greater degree of justice should be given him in the matter of a pension than that which is allowed by the general law, we have universally allowed a greater amount than the general law would allow.

Mr. SMITH of Georgia. Are not the majority of these cases those of men who were turned down by the Pension Bureau upon the ground that they could not trace their present disabilities to service origin?

Mr. McCUMBER. In some instances, as I have stated, they are cases which have been turned down, but there are a very few of those. In most instances, I believe, they are cases in which an increase has been given. The Senator will remember that the law which grants a service pension does not apply to veterans of the Spanish War. A disability must absolutely have been incurred in the service to allow them any pension whatever, and, therefore, very often in those cases which come to us we pass upon the question whether or not the injury upon which the claimant asks his pension is of service origin. In some few of these cases we have so found, even though the department may not have found that they were of service origin. The department officials ordinarily do not find negatively that a disability is not of service origin; they are satisfied with the conclusion that the evidence fails to show that it is of service origin. When a committee of the other House, after careful consideration, have found that a disability was of service origin, we go over the papers again, and possibly we may make some allowance for the finding of the committee in the other House and not give the case the same rigid examination that we would if it came to us in the first instance.

Mr. SMITH of Georgia. Does the committee, then, contemplate the practice of placing on the pension roll by special act of Congress Spanish-American War soldiers who have no disability of service origin, but who for some other cause subsequent to their service have become disabled?

Mr. McCUMBER. No; Mr. President, the committee do not recommend a pension by special act of Congress in favor of a veteran of the Spanish War unless the committee are satisfied that his disability is of service origin.

Mr. SMITH of Georgia. Just one more question, Mr. President. Many of these men are young. What provision will there be for stopping their pensions if the men recover their health, and what provision for renewed examination in the cases of men who have stomach trouble or something of that kind? Do they go upon the roll as permanent pensioners?

Mr. McCUMBER. Such pensions as are given them are granted under the provisions and limitations of the pension laws; and under the provisions and limitations of the general pension laws if there is a recovery, and that fact is established, the pension ceases.

Mr. SMITH of Georgia. Is there any provision by which these very young men are to be reexamined? Of course, the general pension law was prepared with reference to the aged soldiers of the Civil War, and a man who has reached 70 years of age and who has the disability of old age has practically no prospect for recovery, but in the case of young men of 35 say, the disabilities not consisting of the loss of a limb or a wound would seem in all probability to be disabilities that will pass away in the near future. There is no special provision for renewed examination of these young men, is there?

Mr. McCUMBER. Mr. President, that is not necessary. In the first place, the committee will scarcely recommend a special bill unless the evidence is quite conclusive that the disability is one from which there will in all probability be no recovery. If it is uncertain, if it appears there is a reasonable chance for recovery, the bill is laid aside and is not acted upon at all by the committee. The Pension Bureau is paying out altogether something in the neighborhood of \$700,000, I think, a year for special agents and examiners, who are constantly looking up cases where there has been a recovery, whether of a Spanish-American War veteran or otherwise. Where a pension has been allowed and a special agent ascertains the fact that the soldier has recovered, or if it is brought to the attention of the bureau in any other manner that some person is drawing a pension for a disability from which he has recovered, he will be given notice of the finding of the department and be allowed a hearing. The department will then determine whether his pension should be discontinued. Here is one case, for instance, right in this same bill where a veteran was dropped from the pension roll, I presume upon a report of one of the special examiners, and possibly with very little opportunity to be heard, or at least the hearing granted was not such that he was able to make the showing that was made before the committee in the House. He is reinstated by one of the items in this bill.

Mr. SMITH of Georgia. As to the some 28,000 Spanish-American War veterans who are now on the pension roll—there is something like that number, I believe—ought there not to be a provision as to these very young men, nearly all of whom are under 40, that at least annually they should file in the Pension Office a certificate of a physician that they still are subject to the disability?

Mr. McCUMBER. Mr. President, I think that would be rather a difficult matter. If a man had his arm shot off, for instance, I would hardly think it quite proper that he should report every year that the arm was still off; or, if he lost a leg that he should do the same thing. Many disabilities are necessarily continuing, and I do not know how the law would proceed to distinguish between those which are naturally continuing and those which by any possibility may cease to exist.

Mr. SMITH of Georgia. If the Senator had listened to what I stated, he would have understood that I expressly excepted those who were suffering from wounds. I mentioned that in my first question to him.

Mr. McCUMBER. Well, if a man had his leg shot off he would be suffering from a wound.

Mr. SMITH of Georgia. I expressly limited my question to those who were suffering from diseases, such as stomach trouble and diseases other than the loss of members, or wounds that would be continuous; and, so far as I can recall, in this bill there is not the case, or, if so, very few, of men who suffer from wounds. If the Senator will allow me to state just this further, his illustration of the wound was the very thing I had excepted, and his answer is in no sense an answer to the question I asked.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (S. 5415) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read.

It proposes to pension the persons named at the rates per month stated:

Samuel C. Whitwam, late of Company F, Fourth Regiment Michigan Volunteer Cavalry, \$50.

Leander O. Tucker, late of Company K, Thirty-third Regiment Iowa Volunteer Infantry, \$30.

Wesley A. Maze, late of Company I, Eighty-fourth Regiment Indiana Volunteer Infantry, \$36.

Samuel J. Powers, late of Company D, Forty-sixth Regiment Missouri Volunteer Infantry, \$24.

Thomas Clay, late of Company H, Eighteenth Regiment Kentucky Volunteer Infantry, \$30.

Asabel N. Wells, late hospital steward, Thirteenth Regiment Michigan Volunteer Infantry, \$30.

Thomas Taylor, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, \$30.

Joseph Sumpter, late of Company H, First Regiment Kentucky Volunteer Cavalry, \$30.

Peter Foster, late of Company A, Eighty-first Regiment Illinois Volunteer Infantry, \$24.

Wellsley Crane, late of Company I, First Regiment Minnesota Volunteer Cavalry, \$24.

William Roatch, late of Company A, First Regiment Colorado Volunteer Cavalry, \$30.

Alfred Phillips, late of Company E, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and Eighth Company, Second Battalion Veteran Reserve Corps, \$24.

Darius Wells, late of Company I, Ninth Regiment Kansas Volunteer Cavalry, \$30.

Benjamin F. Havens, late of Company C, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and Company C, Fourth Regiment Veteran Reserve Corps, \$30.

Zachariah Kramer, late of Company H, Seventeenth Regiment Pennsylvania Volunteer Cavalry, \$24.

Andrew Dienst, late of Company C, Twenty-first Regiment Ohio Volunteer Infantry, \$30.

Davis J. Howard, late of Company E, One hundred and twenty-first Regiment, and Company G, Eighty-eighth Regiment, Ohio Volunteer Infantry, \$24.

James W. Thompson, late of Company F, Forty-seventh Regiment Ohio Volunteer Infantry, \$30.

Frank Snurpus, late second lieutenant Company K, Eleventh Regiment Indiana Volunteer Infantry, \$30.

William H. Doty, late of Company H, Fifty-fourth Regiment Ohio Volunteer Infantry, \$24.

Henry C. Jones, late of Company I, Sixteenth Regiment Pennsylvania Volunteer Cavalry, \$24.

Howard Brooks, late of Company F, Twentieth Regiment Pennsylvania Volunteer Cavalry, \$30.

David W. Fox, late captain Company A, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, \$30.

James R. McKee, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, \$24.

Ellen C. Welch, widow of John, alias Johnson Welch, late of Company I, Fourth Regiment Ohio Volunteer Infantry, \$20.

Leander Chase, late of Company A, Eleventh Regiment Pennsylvania Volunteer Cavalry, \$30.

Daniel Clark, late second lieutenant Company H, Fifteenth Regiment Michigan Volunteer Infantry, \$24.

Gordon Kimball, late of Company D, Sixteenth Regiment Illinois Volunteer Infantry, \$30.

Charles E. Chadock, late of Company K, Fifth Regiment, and Company K, Sixth Regiment, West Virginia Volunteer Cavalry, \$24.

Adelbert E. Bliss, late of Company C, Twentieth Regiment Wisconsin Volunteer Infantry, \$30.

Joel Ames, late of Company G, Thirty-first Regiment Illinois Volunteer Infantry, \$24.

Lemmons W. Brattain, late of Company F, Seventeenth Regiment Iowa Volunteer Infantry, \$30.

George K. Smith, late of Troop B, Second Regiment United States Cavalry, \$24.

Alburtus H. Walker, late of Company G, Forty-sixth Regiment Massachusetts Volunteer Infantry, and Company D, Second Regiment Massachusetts Volunteer Heavy Artillery, \$24.

Jerome A. Shirley, late of Company K, Twenty-sixth Regiment Connecticut Volunteer Infantry, \$24.

Lafayette M. Bratton, late of Company K, Ninety-first Regiment, and Company C, One hundred and twenty-fourth Regiment, Indiana Volunteer Infantry, \$24.

William Tinder, late of Company K, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, \$24.

John W. Doane, late second lieutenant Company C, Eighth Regiment Michigan Volunteer Infantry, \$30.

John Burritt, late of Company B, Second Regiment Wisconsin Volunteer Cavalry, \$30.

Osborn Dillard, late of Company K, One hundred and thirty-first Regiment, and Company C, Twenty-ninth Regiment, Illinois Volunteer Infantry, \$24.

Oliver W. Sweet, alias Oliver W. Frazee, late of Company F, Seventh Regiment Indiana Volunteer Cavalry, and Company K, Seventh Regiment United States Infantry, \$30.

Andrew V. Mitchell, late of Company K, Eighth Regiment Indiana Volunteer Cavalry, \$30.

Marquis D. Usher, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, \$24.

Reuben F. King, late of Company F, Eleventh Regiment Wisconsin Volunteer Infantry, \$30.

Samuel Curtis, late of Company D, Seventeenth Regiment Indiana Volunteer Infantry, \$24.

Ephraim M. Hill, late of Company G, One hundred and third Regiment, and Company H, Fortieth Regiment, Illinois Volunteer Infantry, \$24.

Franklin D. Joy, late of Company I, Fourth Regiment Michigan Volunteer Cavalry, \$30.

Nathan T. Kimball, late of Company G, Eighth Regiment Illinois Volunteer Cavalry, \$24.

Ebenezer H. Barker, late of Company G, Thirtieth Regiment Maine Volunteer Infantry, \$30.

George W. Eaton, late of Company D, Fifth Regiment, and Company F, Twenty-ninth Regiment, Maine Volunteer Infantry, \$36.

Adison Long, late of Company E, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, \$24.

John W. Farmer, late first lieutenant Company D, Ninth Regiment Iowa Volunteer Cavalry, \$30.

Charles E. Clark, late of Company B, Fourteenth Regiment Maine Volunteer Infantry, \$24.

William J. Braswell, late of Company L, Thirteenth Regiment Tennessee Volunteer Cavalry, \$30.

Henry A. Fernald, late of Company B, Twenty-second Regiment Massachusetts Volunteer Infantry, and of United States Marine Corps, \$24.

David P. Sheibley, late of Company B, Seventh Regiment Pennsylvania Reserves Volunteer Infantry, \$30.

William Wyatt, late of Company F, Tenth Regiment West Virginia Volunteer Infantry, \$30.

Nancy J. Tracy, widow of Grigsby Tracy, late of Company G, Seventy-fifth Regiment Indiana Volunteer Infantry, \$20.

John H. Doeg, late of Company A, Ninth Regiment New Hampshire Volunteer Infantry, \$24.

Lizzie A. Shepard, widow of Caleb G. Shepard, late of Twenty-sixth Unattached Company, Massachusetts Volunteer Infantry, \$12.

David L. Gaines, late of Company I, Twenty-second Regiment Connecticut Volunteer Infantry, \$24.

Thomas J. Fields, late of Company C, Fifteenth Regiment Iowa Volunteer Infantry, \$30.

Thomas Finch, late of Company D, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, \$30.

Henry McMahon, late of Company G, Fifteenth Regiment United States Colored Volunteer Infantry, \$30.

Myron H. Isbell, late of Company E, Eleventh Regiment Michigan Volunteer Cavalry, \$24.

J. J. Shoemaker, late of Company C, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, \$24.

Charles S. Tyler, late of Company B, Eleventh Regiment New Hampshire Volunteer Infantry, \$30.

Samuel E. Brillhart, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, \$24.

William H. Cross, late of Company I, Sixty-first Regiment New York Volunteer Infantry, and Company F, Eleventh Regiment Veteran Reserve Corps, \$24.

John B. C. Kerr, late of Company I, First Regiment Arkansas Volunteer Infantry, \$24.

Russel B. Tulleys, late of Company A, One hundred and fifty-fourth Regiment Ohio National Guard Infantry, \$20.

Michael Hade, late of Company D, Second Regiment Rhode Island Volunteer Infantry, \$24.

Luman C. Wheelock, late of Company F, Ninety-fifth Regiment Illinois Volunteer Infantry, \$24.

Willard E. Martin, late of Company A, Tenth Regiment Minnesota Volunteer Infantry, \$24.

Elizabeth Clappitt, widow of George D. Clappitt, late of Company B, Third Regiment Pennsylvania Volunteer Heavy Artillery, \$12.

James A. Todd, late of Company A, Eleventh Regiment Michigan Volunteer Infantry, \$30.

John G. Smith, late of Company B, Tenth Regiment Vermont Volunteer Infantry, \$30.

Ambrose A. Stiles, late of Company K, Fourth Regiment Vermont Volunteer Infantry, \$30.

Robert W. Cook, late of Company E, First Regiment Maine Veteran Volunteer Infantry, \$24.

William Ryan, late of Company D, Forty-eighth Regiment Pennsylvania Volunteer Infantry, \$30.

Eri S. Gunnison, late of Company F, Second Regiment Vermont Volunteer Infantry, \$30.

Joseph A. Olewine, late of Company A, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, \$24.

George M. Jones, late of Company C, Twelfth Regiment Iowa Volunteer Infantry, \$24.

Charles Schafer, late of Company E, Twenty-sixth Regiment Wisconsin Volunteer Infantry, \$30.

William Bordwell, late of Company K, Seventy-fourth Regiment Illinois Volunteer Infantry, \$30.

Eli Kendall, late of Company B, Sixth Regiment West Virginia Volunteer Infantry, \$24.

Nathaniel S. North, late of Company A, Sixty-first Regiment Pennsylvania Volunteer Infantry, and Company G, Tenth Regiment Veteran Reserve Corps, \$24.

William B. Goodwin, late of Company I, Eighth Regiment Maine Volunteer Infantry, \$30.

Hubert O. Moore, late of Company E, Thirty-sixth Regiment Massachusetts Volunteer Infantry, \$24.

William A. Johnson, late of Company C, Second Battalion Pennsylvania Volunteer Infantry, \$24.

John McLaughlin, late of Companies C and H, Twenty-sixth Regiment Missouri Volunteer Infantry, \$30.

Miles J. Williams, late of Company K, Seventeenth Regiment Kentucky Volunteer Cavalry, \$24.

Harvey Burns, late of Company G, Eleventh Regiment West Virginia Volunteer Infantry, \$24.

Anson Crocker, late of Company B, Eleventh Regiment Maine Volunteer Infantry, \$50.

Isaac N. Smith, late of Company E, First Regiment Washington Territory Volunteer Infantry, \$30.

Christopher H. Alexander, late captain Company A, Twelfth Regiment Rhode Island Volunteer Infantry, \$30.

Albert Greene, late of Company I, Second Regiment Rhode Island Volunteer Infantry, \$30.

Reason R. Henderson, late captain Company I, Thirteenth Regiment Ohio Volunteer Infantry, \$40.

Henry C. Paynter, late of Company H, Forty-first Regiment United States Colored Volunteer Infantry, \$24.

Susan M. Barnard, widow of Wilmer C. Barnard, late of Company H, Tenth Regiment Vermont Volunteer Infantry, \$12.

Daniel Monroe, late of Company A, Sixth Regiment Vermont Volunteer Infantry, \$30.

Gilson M. Henton, late of Company A, Seventh Regiment, and first lieutenant Company D, Forty-sixth Regiment, Wisconsin Volunteer Infantry, \$30.

George H. Ring, late of Company B, Seventeenth Regiment Vermont Volunteer Infantry, \$30.

David R. Mullikin, late of Company H, Seventh Regiment Vermont Volunteer Infantry, \$50.

Russell D. Woodroff, late of Company B, Fifteenth Regiment Illinois Volunteer Infantry, \$24.

John H. Mattison, late of Company B, Fourth Regiment Illinois Volunteer Cavalry, \$24.

Mr. McCUMBER. I move to amend the bill by striking out all of lines 8 to 11, inclusive, on page 11, the case of David P. Shibley, the beneficiary having died since the bill was reported to the Senate.

The motion was agreed to.

Mr. SMITH of Georgia. On page 5, I move to strike out lines 7 to 10, inclusive.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, strike out lines 7 to 10 of the bill, as follows:

The name of Henry C. Jones, late of Company I, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

Mr. SMITH of Georgia. I desire the Clerk to read the report of the committee upon this case, and also the report of the committee upon the case of Nathan T. Kimball, which is No. 1974. When he shall have finished reading those extracts I shall still desire to occupy the floor.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY (reading from page 10, Senate Report No. 184):

S. 543. Henry C. Jones was a private in Company I, Sixteenth Regiment Pennsylvania Volunteer Cavalry. He enlisted March 6, 1865, and was honorably discharged August 11, 1865, having served over five months. He is a pensioner under the service act of February 6, 1907, at the rate of \$12 per month. He was formerly pensioned at the same rate under the act of June 27, 1890, but after the passage of the age pension law elected to take pension thereunder. He also filed a claim under the general law December 10, 1889, alleging that he contracted rheumatism in the Army, but the claim was rejected, and properly so, for the reason that he could not furnish the necessary evidence to prove service origin and continuance of his disability.

The claimant is over 67 years of age. When last examined, August 9, 1899, he was rated \$6 for rheumatism and \$17 for loss of right eye incurred in accident since the war. Medical evidence submitted to this committee is to the effect that claimant is so disabled from loss of right eye and rheumatism that he is unable to perform any kind of labor. It is also shown that he is poor and without property or means of support other than his pension. On account of soldier's age, poverty, and inability to earn a support by his own manual labor, the committee recommend increase of pension to \$24 per month; his service was comparatively short, hence no greater increase is warranted.

The VICE PRESIDENT. Will the Senator indicate the other?

Mr. SMITH of Georgia. Bill No. 1974, page 21.

The Secretary read from Senate Report No. 384, as follows:

S. 1974. Nathan T. Kimball, of Boise, Idaho, is shown by the records of the War Department to have enlisted September 14, 1861, as a private in Company G, Eighth Regiment Illinois Volunteer Cavalry, and to have been honorably discharged July 17, 1865. He filed and established a claim under the act of June 27, 1890, and is now pensioned under said act at \$12 per month for wound of left shoulder. He filed a claim under the general law September 22, 1891, alleging that he received gunshot wound of left shoulder in the battle of Gettysburg and gunshot wound of right leg in the battle of Beverly Ford, Va. There is no record evidence of his being wounded in the Army, and he has filed no proof of service incurred and has long since abandoned the claim.

The claimant is now 66 years of age. He has not been examined by bureau surgeons since February, 1892, but as far back as that date he was reported to be almost totally disabled for manual labor by reason of wound of left shoulder. Medical evidence filed with this committee is to the effect that claimant has enlarged prostate gland, causing frequent urination; that he had a stroke of apoplexy in August, 1910, from which he has not completely recovered; that he has old gunshot wound of left shoulder, the use of shoulder being very much restricted; and that his disabilities in connection with his advanced age totally incapacitate him for the performance of manual labor. Neighbors testify that claimant is wholly disabled for manual labor, and that he has no property and no income except his pension. On account of soldier's age, poverty, and inability to earn a support by his own manual labor, the committee recommend increase of pension to \$24 per month.

Mr. SMITH of Georgia. I desire to ask whether there is on file with the clerks any statements, affidavits, or evidence of any kind in connection with the case of Henry C. Jones. If there is, I should like to have it read.

The VICE PRESIDENT. The Secretary advises the Chair that they have nothing upon the question.

Mr. SMITH of Georgia. Then I wish to ask the chairman of the committee if there is anything that has been presented to the committee in the case of Henry C. Jones indicating any

special service in the Army, or that he actually reached the front during his enlistment, because I do not wish to do him an injustice in the view I am going to present, and I only desire to know before I proceed to present the view whether I am right in the supposition that there is nothing in the record peculiar to him with reference to his service.

Mr. McCUMBER. Mr. President, I can not recall, of course, what the record shows in each instance, even though I may have read the evidence in the particular case.

Mr. SMITH of Georgia. The report does not indicate anything of the sort.

Mr. McCUMBER. The report does not purport to give the evidence in the cases. The reports generally give only a general statement. It would be impossible to include all the evidence. If we did, no one would ever attempt to read it, because the evidence in all the cases that would be reported in this single bill would probably make a very large volume in itself. The many affidavits, doctors' certificates, and other matters of that kind have gone back in all these cases to the Interior Department and the War Department. As to what Mr. Jones's service was, enlisting so late, whether he was at the front at that time or whether he was guarding prisoners in the rear, I do not know.

Mr. SMITH of Georgia. Then, Mr. President, so far as the record presented to the Senate goes, Mr. Jones enlisted March 6 and actual fighting, except a little battle in North Carolina, was practically over in 30 days. In the natural course of events he never reached the front. In the natural course of events he was scarcely more than on dress parade, safely out of any danger.

I am taking these two cases in the reports to illustrate the view which I have been seeking to press throughout my entire objection to these special pensions. It is this: There is necessarily a limit to what the Government can appropriate for pensions. The Government must necessarily consider the various taxes that will be placed upon the Treasury and must determine what amount can be appropriated to pensions. I am criticizing the mode of distribution. I am seeking to press the view that the amounts paid to men who were not actually in the service ought not to exceed \$12 a month, and that the men who really did the fighting ought to have a better proportion of the \$150,000,000 a year which the Government appropriates for the pensioners of the Civil War. That has been the line of thought that I have been seeking to press in my entire criticism of the special pension bills so far as they apply to pensioners of the Civil War.

The two special pensions that I have called attention to—the one with a motion to strike out and the other without a motion to strike out—illustrate what I have had in view. Mr. Jones enlisted March 6, 1865. Mr. Kimball enlisted September 14, 1861. One went through the war, in battle after battle, enduring the hardships of real war. He was wounded in the service. He was in the service from September 14, 1861, to July 17, 1865. He was wounded in his left shoulder. They are equally broken down now in old age. The special pension bill before us gives them the same sum of money, \$24 each. The one who probably never heard a gun fired, who was probably never exposed at all in battle, is to receive \$24 a month, and the man who went in in 1861 and stayed through the war is to receive \$24 a month.

I am seeking to urge that there is a limit to what can be appropriated, and that in the distribution of it the short-term men ought not to be increased simply on account of old age and disabilities, but that the amount the Government can appropriate should be distributed less to the short-service men and more to the long-service men. That is the basis of my motion to strike out.

Mr. McCUMBER. Mr. President, the Senator states that he would not grant more than \$12 per month to any soldier who was not actually in service. May I ask the Senator what he means by "actually in service"?

Mr. SMITH of Georgia. I mean out in the front, in battle.

Mr. McCUMBER. The Senator, then, would not pay more than \$12 a month unless the evidence shows that the soldier was actually in battle?

Mr. SMITH of Georgia. Or else during his service, though not in battle, some disability was brought upon him as an incident to his being in the service.

Mr. McCUMBER. Every division may have its own duties to perform during the continuance of a battle and both before and after a battle. Some company or some regiment may be sent off while the battle is continuing to some particular section to prevent a retreat of the enemy, and they may not have fired a gun. Does the Senator say that they were in battle or that they were out of battle?

Mr. SMITH of Georgia. No; but the Senator would say that the man who was in from the middle of 1861 to the last of 1865,

with his regiment all the time, knew what battles were during that time.

Mr. McCUMBER. That does not answer my question.

Mr. SMITH of Georgia. Take a three-year man; it is perfectly safe to say that he was in actual service and in battle.

Mr. McCUMBER. Does the Senator admit that a division of the Army which is sent around to some particular place while the battle is continuing to cut off the retreat of the enemy is engaged in the battle, or is not that division engaged in the battle? The Senator says that he would allow a pension of \$12 per month if the soldier was not engaged in battle. It is rather difficult for me myself to determine what the Senator has in his mind when he says in service and out of service, and in battle and not in battle.

Mr. SMITH of Georgia. Then I will try to explain it to the Senator a little more fully. The man who was with Grant for 12 months in Virginia, whether he was actually in a fight or not, was in active service. The truth is, I think that every soldier who was with Grant for six months in Virginia can be considered as having been actively in service. They all heard guns fired, and were in active service.

Mr. McCUMBER. Oh, a great many people heard guns fired who were not in the Army at all.

Mr. SMITH of Georgia. Yes, but these men were out in the front and heard them, and they were close enough to them to be injured by them.

I illustrate what I mean by these two men. Here was one man who enlisted in the summer of 1861 and was out in the service. I would not be technical about it. If a man was in the actual service for three years under Grant or some other officer who was in active service, and by some casualty was not in battle, I would certainly not discriminate against him. But what I do mean is that these very short-term men, who never were in the neighborhood of an actual battle, ought not to be pensioned as the men who gave three and four years of actual service at the front. These two men illustrate that case, one entering the Army March, 1865, and apparently not having crossed the Potomac, with nothing in the record to show that he got into actual service, and the other having for four years been actively in the service.

Mr. McCUMBER. Mr. President, of course I am compelled to take a different view from that of the Senator on the basis of granting pensions. Under a general law I agree that the soldier who has answered the summons to battle, who has responded to the call of his country, who has done his duty as a soldier, who has gone wherever he was commanded to go, who may have suffered more in the long march or in trenches, where he never fired a gun, than many suffered in the acute stages of a short decisive battle, should be recognized by his country the same as though he had been in that actual battle; for, after all, we are granting our pensions because of the great national gratitude toward the old defenders of the country. Our gratitude is extended not so much because of what each soldier under the conditions was able to do, but what each soldier was willing to do if called upon by his Government; and as that is the basis of the sentiment of gratitude toward all of the old soldiers, I can not even agree with the Senator when he says that we should make such a great distinction between length of service.

Mr. President, under the last call of Lincoln for soldiers during the last year of the war we got in two classes. Those who responded were, first, the young men who were not old enough to go in in the beginning of the war, and there were the older men, who felt that the exigencies were such that their services were needed, even though they may have been past the best years of their young manhood.

Now, let us apply that case right here. I can not go into the details in each particular instance without the evidence before me; but if we grant one soldier \$24 per month upon a length of service of five months and grant another soldier by special bill who served about eight years only \$24 per month there must have been some distinction in their physical condition and in the reasons justifying our giving the short-service man the same consideration as we give the long-service man, because, other things being equal, we do recognize in our special pension legislation length of service, but we do not make length of service the sole standard.

It is probable that in this case the soldier with the longest service was in far better physical condition and perhaps did not have the same dependent upon him as the soldier of the shorter service. As our sentiment is a sentiment that flows from gratitude only, we wish that gratitude expressed in a manner that will do the most good. We must look at the two men face to face and say which of them is entitled, not because of length of service but because of their physical condition, to the greatest sum of money to prevent suffering from want or destitution. In these

two cases, the one with the shorter service and the greater physical disability and the one with the longer service and the less physical disability, it was probably thought fair to balance the two, and that equal justice would be done if we granted both the same sum.

Mr. SMITH of Georgia. Mr. President, the Senator says that in fixing the amount of pensions, not simply what the soldier did but what the soldier was willing to do should be taken into consideration. I fully agree with him, and I turn to these two records to see what these two soldiers were willing to do. One of the soldiers, though a year younger than the other, was willing to volunteer in the summer of 1861. He was willing to go to the front in the hottest parts of the fights, and he did so. He was willing to stay through to the close—four years actually at the front, in battle time and again. The other, though a year older, was not willing to enter until 30 days before Lee surrendered. One was willing to fight four solid years; the other was willing to join the Army when there was practically no southern army left, when the war was practically over.

But the Senator says that the distinction rests upon their condition. I find from this report that the soldier who fought four years is described as being just as bad off now as the soldier who did not fight at all, so far as the record goes; as the soldier who, so far as his record goes, never crossed the Potomac. So we find that as to condition they are the same, and as to service they occupy an utterly different position.

I am not asking for an increase of pension to those who did no real service; I am insisting that that should not be done. I have moved to strike out the name of Mr. Jones because the record shows no real Army service; it shows he was in the Army, but it does not show that he was in the Army that was in front fighting; it shows distinctly that he did not join the Army until March, 1865.

As there is a limit to what we can appropriate, as there must be a limit to what the Government is to give, I am insisting that we do not put up the pensions of the men who were not in active service, who were not really in the battle line, or practically in the battle line, but that they be held down, in order that the increase may go to men of long service. I have simply taken this name and made this motion to strike out so that I might have the opportunity to present the line of thought that has been in my mind, and perhaps in a simpler and clearer way than I have had an opportunity of doing it before, and because I did not wish to continue to delay the Senate.

Mr. McCUMBER. Mr. President, if I were willing to draw upon my imagination for facts, I might make almost any kind of an argument on almost any kind of a proposition. The Senator from Georgia says that it is evident from the fact—if not in words, he says that at least in his argument—that the soldier did not enlist until March, 1865; that he was not as willing to go to war as the one who enlisted in the early part of the war. I have not the record of these two men before me; I do not know what is their prior history; I do not know what kept one man at home and allowed the other to go to war; I simply know that when the war was in its heat, when we were driving men to the front, when the butcher work was going on in the battles of the Wilderness, this man of short service enlisted. There may have been many reasons why he could not have enlisted before.

Let me give the Senator one reason within my knowledge: This man's name was not Jones, and he is not the same man, so I do not know whether the conditions in this case would have been at all applicable; but having had his acquaintance, I know of a young man whose mother was paralyzed and bed-ridden, he being her only support, who could not join the Army without leaving the mother unprotected. About a year, or less than a year before the Senator from Georgia would say the war was closed, the mother died and the son immediately joined the Army. I can not say that that soldier was not willing at all times to enlist, and I can not criticize him for not sooner entering the Army; neither can I criticize the other man, Mr. Jones, for not going into the Army earlier, when I do not know the reasons why he did not enlist at an earlier stage of the war. I simply know that he did enlist at the time named, that he served, that he answered the commands of his officers and went wherever he was commanded to go. Our past legislation has provided that in cases of that kind, when the soldier has served 90 days, he shall be entitled, if he is 75 years of age, to \$20 per month, and under the old law of 1890 he would receive \$12 per month. This man was so disabled and in such physical condition that even under the old law of 1890 it seems he had been allowed the full disability amount. So I think it is hardly fair to criticize, and I would not want to criticize, the soldier for not joining the Army earlier.

I agree with the Senator, other things being equal, that a distinction should be made on account of the length of service—the short service and the long service—but I do not know the facts that would equalize these cases. I would say, further, that if every soldier were to have a pension measured entirely by his deserts and each one got exactly what he ought to have, there would be just as many different rates of pension as there were soldiers in the war.

Mr. SMITH of Georgia. Mr. President, the Senator from North Dakota intimates that I draw on my imagination, and yet he sustains the suggestion with no statement of fact. I have in no sense drawn upon my imagination, but I have drawn exclusively in this discussion upon the report of the committee of which the Senator is chairman.

Speaking, however, of drawing upon one's imagination, the Senator did not even rely upon his imagination with reference to Mr. Jones. He undertook to give the history of some other man, explaining why some other man did not enter the Army earlier, without even suggesting the possibility that any facts had been presented to give such a reason explanatory of the conduct of Mr. Jones. I am not criticizing Mr. Jones for having failed earlier to enter the Army; I am not criticizing anyone; I simply state that he did not do it; I simply state that he did not render service. I simply call attention to the record which the Senator from North Dakota himself presents, that Mr. Jones never entered the Army until just about the time the war closed, and that the other soldier had been serving four years, and yet they are presented to us as suffering with the same injuries and it is proposed to grant them the same pension. For that reason I move to strike out the provision increasing the pension of the very short-term soldier.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The question is on the amendment offered by the Senator from Georgia [Mr. SMITH]. [Putting the question.] By the sound the noes have it.

Mr. SMITH of Georgia. I ask for a division.

The amendment was rejected; there being, on a division—ayes 1, noes not counted.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of Senate bill 5493.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5493) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors. It proposes to pension the following-named persons at the rates stated:

Cornelius S. Munhall, late of Company I, Twenty-sixth Regiment Illinois Volunteer Infantry, \$30.

Wilson Aler, late of Company A, Seventh Regiment Illinois Volunteer Cavalry, \$24.

John J. Hill, late of Companies F and B, Fourth Regiment Missouri State Militia Cavalry, \$24.

Thomas J. North, late of Company E, First Regiment Kentucky Volunteer Cavalry, \$24.

William J. Nash, late of Company K, One hundred and eighty-third Regiment Ohio Volunteer Infantry, \$36.

Abel Statton, late of Company G, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, \$30.

William Marks, late of Company E, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, \$30.

William H. Scannel, late of Company H, Third Regiment Ohio Volunteer Cavalry, \$30.

Samuel Smith, late of Company B, Thirty-ninth Regiment, and Company F, Forty-seventh Regiment, Wisconsin Volunteer Infantry, \$24.

Caleb Eldred, late of Company F, Fifteenth Regiment New York Volunteer Heavy Artillery, \$30.

George L. Hiatt, late of Company A, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and Companies H and I, First Regiment Mississippi Marine Brigade Volunteer Infantry, \$24.

George P. McKee, late of Company C, Twelfth Regiment United States Infantry, \$30.

Winfield S. Blain, late of Company F, First Regiment Oregon Volunteer Infantry, \$30.

Alfred E. Robinson, late of Company A, Fourteenth Regiment Iowa Volunteer Infantry, \$24.

William J. Salisbury, late of Company I, Thirty-second Regiment Iowa Volunteer Infantry, \$24.

Patrick Wallace, late of Company A, Seventh Regiment Wisconsin Volunteer Infantry, \$30.

James F. Farnsworth, late of Company D, One hundredth Regiment Illinois Volunteer Infantry, \$24.

Shepard Goodwin Patrick, late of Company D, One hundred and fortieth Regiment Illinois Volunteer Infantry, \$24.

David C. Morgan, late of Company B, Tenth Regiment West Virginia Volunteer Infantry, \$24.

Hiram F. Chappell, late captain Company D, Twelfth Regiment Connecticut Volunteer Infantry, \$30.

John H. Cline, late of Company D, Third Regiment Illinois Volunteer Cavalry, \$24.

Lewis Hashman, late of Company I, Thirty-ninth Regiment Illinois Volunteer Infantry, \$30.

Robert Murray, late of Company E, Thirty-first Regiment Wisconsin Volunteer Infantry, \$24.

John Jones, late of Company A, Sixteenth Regiment Wisconsin Volunteer Infantry, \$30.

William H. Ridgman, late of Company A, Twentieth Regiment, and Company C, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, \$30.

Daniel C. Grover, late of Company G, One hundred and fifty-second Regiment Indiana Volunteer Infantry, \$30.

Warren Caswell, late of Company B, Seventh Regiment Iowa Volunteer Infantry, \$30.

Allen H. Benton, late of Company D, Thirty-fifth Regiment Kentucky Volunteer Mounted Infantry, \$24.

Charles H. Weeks, late of Company H, Forty-sixth Regiment Illinois Volunteer Infantry, \$24.

Elmore Y. Shelt, late of Company K, Forty-sixth Regiment Indiana Volunteer Infantry, \$24.

William Smith Lackor, late of Company I, Eighth Regiment Iowa Volunteer Infantry, \$30.

Henry Mingles, late of Company K, Forty-fifth Regiment Illinois Volunteer Infantry, \$30.

Edward V. Holland, late of Company B, Third Regiment Iowa Volunteer Cavalry, \$30.

Benjamin Miller, late of Company B, Fifty-first Regiment Ohio Volunteer Infantry, \$24.

Mortimer Seymour, late of Company B, Seventy-third Regiment, and Company A, Twenty-ninth Regiment, Indiana Volunteer Infantry, \$24.

Henry H. Fackler, late of Company M, Seventh Regiment Iowa Volunteer Cavalry, \$24.

William B. Roberts, late of Company E, Eighteenth Regiment Iowa Volunteer Infantry, \$24.

Elijah B. Morris, late of Company A, First Regiment Delaware Volunteer Cavalry, \$24.

Warren Seaward, late of Company E, Sixteenth Regiment Maine Volunteer Infantry, \$24.

Henry S. Bell, late of Companies F and A, First Regiment Indiana Volunteer Cavalry, \$30.

Daniel Powell, late of Company E, Sixth Regiment West Virginia Volunteer Infantry, \$24.

Eli Sherman, late of Company I, Fourth Regiment Iowa Volunteer Cavalry, \$24.

Isabella Oliver, widow of William Oliver, late of Company I, Thirty-seventh Regiment Massachusetts Volunteer Infantry, \$20.

Lafayette Hall, late of Company C, Twenty-sixth Regiment Indiana Volunteer Infantry, \$30.

William Plate, late of Company D, Second Regiment West Virginia Veteran Volunteer Infantry, \$24.

George R. Howard, late of Company E, Twenty-fourth Regiment Indiana Volunteer Infantry, \$50.

Annie D. Diamond, widow of Absalom S. Diamond, alias Henry Scott, late of Company C, Third Regiment United States Colored Volunteer Infantry, \$12.

Francis M. Howard, late of Company A, Fifty-fifth Regiment Indiana Volunteer Infantry, \$24.

Joshua Pinkham, late of Company K, Third Regiment New Hampshire Volunteer Infantry, \$24.

Seba Coffin, late of U. S. S. *Sabine* and *Niagara*, United States Navy, \$24.

Solomon Baker, late of Company D, Fourth Regiment Ohio Volunteer Infantry, and Company I, Third Regiment Ohio Volunteer Cavalry, \$30.

Washington Masters, late of Company H, Eighth Regiment Iowa Volunteer Cavalry, \$24.

Thomas S. Neal, late of Company C, Second Battalion Pennsylvania Volunteer Infantry, \$24.

Thomas Varner, late of Company C, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, \$24.

George Gorham, late of Company H, Thirteenth Regiment Michigan Volunteer Infantry, \$30.

Lewis C. Berg, late of Company K and principal musician, Twenty-eighth Regiment Wisconsin Volunteer Infantry, \$24.

William W. Day, late of Company D, Tenth Regiment Wisconsin Volunteer Infantry, \$24.

Henry Bisbin, late of Company C, First Regiment Pennsylvania Volunteer Light Artillery, \$40.

Marion L. Wilson, widow of Edward P. Wilson, late captain Company A, and major, Second Regiment United States Colored Volunteer Cavalry, \$12.

Henry D. Lockwood, late of Company E, Twenty-third Regiment Wisconsin Volunteer Infantry, \$30.

Samuel Black, late of Company B, Forty-ninth Regiment Kentucky Volunteer Infantry, \$30.

Joseph Larock, late of Company I, Fifth Regiment Vermont Volunteer Infantry, \$50.

Joseph S. Spencer, late of Company F, Fifty-first Regiment Massachusetts Volunteer Infantry, \$24.

John Vander Horck, late captain Company D, Fifth Regiment Minnesota Volunteer Infantry, and captain Company H, Eighth Regiment Veteran Reserve Corps, \$30.

Charles A. Fernald, late of Company E, Thirteenth Regiment New Hampshire Volunteer Infantry, \$30.

Harrison Buchanan, late of Company D, Sixth Regiment Wisconsin Volunteer Infantry, \$24.

Mary B. Boyer, widow of John Boyer, late of Company F, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, \$12.

Ellen Brackett, widow of Edwin F. A. Brackett, late of Company H, Fiftieth Regiment Massachusetts Volunteer Infantry, \$20.

John B. Randolph, alias John Brendo, late of Company G, Twenty-sixth Regiment Missouri Volunteer Infantry, \$30.

Alcenus Ward Fenton, late captain Company D, Sixth Regiment Ohio Volunteer Cavalry, \$30.

William Hartin, late of Company A, Second Regiment Maine Volunteer Cavalry, \$24.

Abraham Mowery, late of Company C, Fourth Regiment Iowa Volunteer Infantry, \$30.

Daniel W. Coan, late first lieutenant Company I, One hundred and forty-first Regiment Illinois Volunteer Infantry, \$24.

George A. Lindall, late of Company F, Second Regiment Rhode Island Volunteer Infantry, \$24.

William H. Hunt, late of Company F, Twenty-first Regiment Maine Volunteer Infantry, \$24.

James Dillon, late of Company H, Nineteenth Regiment Maine Volunteer Infantry, and Company H, First Regiment Maine Volunteer Heavy Artillery, \$24.

Philinda Lewis, widow of Jonathan Lewis, late of Company C, Nineteenth Regiment Maine Volunteer Infantry, \$20.

George R. Roberts, late of Company E, First Regiment Delaware Volunteer Infantry, \$20.

Harrison Flinton, late of Company A, Tenth Regiment Vermont Volunteer Infantry, \$24.

Joseph F. Sutton, late of Company G, Seventh Regiment Kentucky Volunteer Infantry, \$30.

Jacob B. Copley, late of Company I, One hundred and forty-fourth Regiment New York Volunteer Infantry, \$24.

Charles H. Smith, late of Company F, Eighth Regiment Maine Volunteer Infantry, \$30.

James E. Wheeler, late of the Third Independent Battery, Vermont Volunteer Light Artillery, \$24.

Jacob L. Cook, late of Company B, Fifth Regiment Vermont Volunteer Infantry, \$30.

William J. Cavender, late of Company E, Fifteenth Regiment, and Company H, One hundred and ninety-third Regiment, Ohio Volunteer Infantry, \$24.

Graham M. Meadville, late of Company F, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, \$30.

Joseph C. Bullock, late of Company K, Ninth Regiment New York Volunteer Cavalry, \$30.

Mr. McCUMBER. On page 3 I move to strike out from line 10 to line 13, inclusive, being the item for Caleb Eldred, the beneficiary having died since the bill was reported to the Senate.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, after line 9, it is proposed to strike out:

The name of Caleb Eldred, late of Company F, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The VICE PRESIDENT. Are there further amendments to be offered?

Mr. SMITH of Georgia. Mr. President, I desire to move to strike out, on page 2, lines 1, 2, 3, and 4, inclusive, and I also move to strike out, on page 4, lines 19, 20, 21, and 22.

The VICE PRESIDENT. Does the Senator offer to strike out the two items as one amendment or as two amendments?

Mr. SMITH of Georgia. I will include the two items in one amendment, because they embody the same view.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the top of page 2 it is proposed to strike out:

The name of Wilson Aler, late of Company A, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

And on page 4, after line 18, it is proposed to strike out:

The name of Shepard Goodwin Patrick, late of Company D, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

Mr. SMITH of Georgia. I desire the Clerk to read the report of the committee on those two cases, and also to read the report of the committee on two other cases, the numbers of which I will give him within a few minutes.

The Secretary read as follows:

S. 63. Wilson Aler, of Lexington, Nebr., was formerly a private in Company A, Seventh Regiment Illinois Volunteer Cavalry. He served from February 15, 1865, to November 4, 1865, and was honorably discharged. He is at present in receipt of a pension of \$12 per month under the service act of February 6, 1907. He never applied for pension under the general law, but formerly drew \$6 per month under the act of June 27, 1890.

It appears, however, from medical and other testimony filed with this committee that claimant is helpless from rheumatism and paralysis and is unable to take care of himself and requires the aid and attendance of another person. He is over 68 years of age and very poor, being dependent upon his pension for his support, and his neighbors petition generally for his relief. An increase in his pension to \$24 per month is recommended on the ground of his present condition; it is not due to his service, which was less than one year, and no greater increase is warranted.

S. 691. Shepard Goodwin Patrick was a private in Company D, One hundred and fortieth Regiment Illinois Volunteer Infantry. He served from May 14, 1864, to October 29, 1864, and was honorably discharged. He is at present in receipt of a pension under the service act of February 6, 1907, at the rate of \$12 per month. He was formerly pensioned at \$8 per month under the act of June 27, 1890. His application under the general law, filed December 6, 1897, was rejected August 4, 1900, on the ground of no ratable disability from malarial poisoning, and no record or other satisfactory evidence to prove service origin of disease of stomach, dyspepsia, and piles.

The claimant is 64 years of age. It appears from the report of his last medical examination, taken June 6, 1906, that he suffered from disease of digestive organs, rheumatism, and piles, and was practically unable to perform manual labor. Medical and other evidence filed with this committee is to the effect that claimant is unable to perform manual labor by reason of disease of stomach, bladder trouble, and rheumatism. He is poor and without property or means for his support. In such cases your committee usually grant substantial relief by doubling the pension, and increase to \$24 is therefore recommended.

Mr. SMITH of Georgia. On page 3, Senate bill No. 208, the case of Thomas J. North, and in the case of David C. Morgan, page 9, I ask the Secretary to read from the report of the committee. I do not move to strike out these items, but I desire the report read as illustrating the difference.

The Secretary read as follows:

S. 208. Thomas J. North was a private in Company E, First Regiment Kentucky Volunteer Cavalry. He enlisted August 25, 1861, and was honorably discharged December 31, 1864, having served three years and four months. He is a pensioner under the service act of February 6, 1907, at the rate of \$15 per month. He never filed a claim under the general law, but formerly drew a disability pension of \$10 per month under the act of June 27, 1890.

The claimant is now upward of 73 years of age, generally broken down and in needy circumstances. His last medical examination, taken October 19, 1904, showed that he suffered from rheumatism, lumbago, disease of heart, and senile debility, and was practically unable to perform manual labor, and medical evidence filed with this committee shows that he is now nearly blind in left eye and partly so in right eye, and that he is afflicted with disease of heart, varicose veins, partial deafness, and other infirmities incident to old age, and is totally disabled for earning a support. Neighbors testify that claimant is unable to perform manual labor and that he has no property or income except his pension. On account of soldier's advanced age, his long continued and honorable service, his total disability and extreme poverty, your committee recommend increase of pension to \$24 per month.

S. 811. David C. Morgan was a corporal in Company B, Tenth Regiment West Virginia Volunteer Infantry. He enlisted September 8, 1861, and was discharged August 9, 1865, having served nearly four years. He established a claim under the general law for malarial poisoning and disease of lungs, and is pensioned therefor at \$14 per month. He was first pensioned at \$8 per month from September 30, 1881; increased to \$10 from June 5, 1889; to \$12 from June 7, 1905, and to \$14 from May 6, 1908. Claims for further increase were rejected August 6, 1909, and March 17, 1910.

Claimant is now 67 years of age. He was last examined at Buckhannon, W. Va., March 2, 1910, by a full board of surgeons, who rated him seventeen-eighths for malarial poisoning. Dr. Oscar B. Beer testified, in affidavit filed February 1, 1910, that soldier suffers from disease of lungs and malarial poisoning and is totally disabled for performing manual labor. Medical and other evidence filed with this committee is to the effect that claimant is also afflicted with rheumatism and piles and is unable to earn a support for himself and family. It also appears that claimant is poor and without source of income except his pension. On account of soldier's age, poverty, good record, and inability to earn a support by his own manual labor, the committee recommend increase of pension to \$24 per month.

Mr. SMITH of Georgia. I do not desire, Mr. President, to take up the time of the Senate again on this bill. I have simply presented two names that I have moved to strike out and two other names that I do not move to strike out—two very short-term men and two long-term men—as illustrating my view on the subject. I will not detain the Senate further.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Georgia [Mr. SMITH].

The motion was rejected.

Mr. McCUMBER. In the case of Thomas J. North I move to strike out the word "twenty-four" and to insert in lieu thereof the word "thirty."

The SECRETARY. On page 2, line 11, before the word "dollars," it is proposed to strike out "twenty-four" and in lieu thereof to insert "thirty."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to pension the persons named at the rates per month stated:

Alfred Faucher, late of Company F, Forty-third Regiment United States Volunteer Infantry, War with Spain, \$12.

George W. Simmons, late of Capt. Swindal's company, Second Regiment Washington Mounted Volunteer Infantry, Oregon and Washington Territory Indian war, \$16.

John W. Barnes, late of Company H, First Regiment Nebraska Volunteer Infantry, War with Spain, \$16.

Thomas Gorman, late of Company B, First Regiment New Hampshire Volunteer Infantry, War with Spain, \$12.

Alan P. Wilson, late of Company I, Second Regiment Virginia Volunteer Infantry, War with Spain, \$12.

John H. Mumaw, late of Company I, Eighth Regiment Ohio Volunteer Infantry, War with Spain, \$12.

Richard Burnside, late of Company C, Thirty-eighth Regiment United States Infantry, \$10.

James Petree, late of Capt. W. H. Latshaw's company, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, \$16.

Bertha B. Byrne, widow of Bernard A. Byrne, late lieutenant colonel Fortieth Regiment United States Volunteer Infantry, War with Spain, \$40, and \$2 per month additional on account of each of the minor children of said Bernard A. Byrne until they reach the age of 16 years.

George Berry, late of Company H, First Regiment Montana Volunteer Infantry, War with Spain, \$24.

Roberson Ford, late of Capts. Kelly and Stafford's company, Oregon Volunteers, Oregon and Washington Territory Indian war, \$16.

Allen Tyler, late of Sixteenth Battery United States Field Artillery, \$16.

Willoughby Churchill, late of Company D (Capt. M. M. Williams), Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, \$16.

John McCombs, late of Capt. John F. Miller's company, Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, \$16.

Anne Jones Banks, widow of William Banks, late of Capt. William M. Allred's company, Nauvoo Legion, Utah Volunteers, Utah Indian war, \$8.

Emily Whitman, widow of Luther Whitman, late of Capt. Orton's company, New York Militia, War of 1812, \$24.

Frank H. Lasher, late of Company D, Twenty-seventh Regiment United States Volunteer Infantry, War with Spain, \$16.

George A. Wageck, late of Company L, First Regiment Nebraska Volunteer Infantry, War with Spain, \$24.

Mr. SMITH of Georgia. I desire to offer to the entire bill an amendment to this effect:

Provided, That on the 1st of January of each year each of said parties shall file with the Bureau of Pensions proof of the continuance of his disabilities. Otherwise he shall cease to receive the benefits of this act.

The VICE PRESIDENT. The Senator from Georgia offers an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following proviso:

Provided, That on the 1st of January of each year each of said parties shall file with the Bureau of Pensions proof of the continuance of his disabilities. Otherwise he shall cease to receive the benefits of this act.

Mr. SMITH of Georgia. In offering this amendment I really do it more seriously as a suggestion to the Committee on Pensions with reference to these short-term young men who are going on the pension roll. It does seem to me that they occupy an entirely different attitude, going on the pension roll for disabilities not in the shape of the loss of arms or of wounds, than the old soldiers who have gone on under the general laws. It seems to me they occupy a different position with reference to the permanency of their disabilities from the old soldiers who have reached such an advanced age that there is no hope of recovery. But a young man, between 30 and 40 years of age, with nothing of the character of a loss that the Senator has referred to, which I did not have in contemplation and which I excepted in my statement, but he did not catch it—the loss of an arm or a leg or a wound that would necessarily be permanent—it seems to me ought to be required to furnish some evidence that the disabilities continue. I do not think the rule ought to apply to men who have reached 70 years of age, but we ought to have some kind of legislation that will provide that the Spanish-American soldiers shall furnish annually some kind of evidence, where the disability is not a wound or something which is necessarily permanent, to justify the continuance of their pensions; and I present the amendment really more suggestively than otherwise.

Mr. McCUMBER. Mr. President, there are several reasons why the amendment should not be adopted in the form, at least, in which it is written by the Senator. The first is that it is not applicable to all of the cases, and would be applicable to but very few of them. Six of these claimants, I believe, are veterans of the Indian wars, which occurred prior to the Civil War. Therefore those persons must be quite old, and the pension is granted not because of disability.

Mr. SMITH of Georgia. I did not mean to apply the amendment to them. I have been unable to go over the entire list, and I merely saw that a number of them were veterans of the Spanish War. I want to apply the principle only to young soldiers.

Mr. McCUMBER. The amendment would be inapplicable in the case of widows. There is no requirement of the widow of proof of disability.

Again, the third proposition is that which I expressed before, that the committee would not have reported favorably a private pension bill in any of these cases unless the evidence was conclusive, at least to them, that the injuries were such that the soldier would not recover therefrom.

Again, I quote the Senator the general law, which provides that where a pension is granted for any disability which may be temporary whenever the disability disappears, and that question in any form, either through the investigation of the department or otherwise, is brought to the attention of the department, the soldier's pension is discontinued if it can be shown that the disability has discontinued.

So I think it is unnecessary under the general law. I think that the department, with their special agents, which some one has already described as sleuths, will be able to find out if any soldier who is drawing a pension has recovered from the disabilities upon which the pension is based.

Mr. SMITH of Georgia. Mr. President, of course the latter part of the Senator's remarks will apply to my amendment. That portion of them which called attention to certain cases of pensions in this bill that the amendment was not intended to apply to were facetious but not logical, as they had no reference to the subject under consideration.

With reference to these young men who are going on the pension roll, I believe we have 28,000 of the Spanish-American War on the pension roll. Probably two-thirds of those pensioners are pensioners who have no injury such as a wound or such as a physical disability that is necessarily permanent. I understand the Senator says the committee would not have put these people, or any of them, on unless they believed the injury permanent. But in the case of a troubled condition of the digestion, a malarial trouble, nobody can tell that an injury of that kind is permanent. There may be a present opinion that it is, but it is not a definite injury that can be determined as a permanent injury.

I shall not press this amendment in its present form, because it extends to all the parties, but I desire to amend it so as to apply to the living soldiers of the Spanish-American War contained in the bill under consideration.

The VICE PRESIDENT. Does the Senator from Georgia desire the Secretary to modify his amendment?

Mr. SMITH of Georgia. Yes; I modify it to that extent.

The VICE PRESIDENT. The Secretary will report the modified amendment.

Mr. McCUMBER. In the meantime, I ask the Chair to lay the unfinished business before the Senate.

The VICE PRESIDENT. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. McCUMBER. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Without objection, the unfinished business, at the request of the Senator from North Dakota, is laid aside temporarily. The Secretary will now state the modified amendment offered by the Senator from Georgia.

The SECRETARY. Add at the end of the bill the following proviso:

Provided, That on the 1st day of January of each year each of said parties shall file with the Bureau of Pensions proof of the continuance of his disabilities, otherwise he shall cease to receive the benefits of this act. But this is only to apply to the living soldiers of the Spanish-American War named in this bill.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was rejected.

The VICE PRESIDENT. If there be no further amendments, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (S. 5670) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SMITH of Georgia. I want to ask the Senator if he meant to skip Senate 5624?

Mr. McCUMBER. There will be an amendment proposed to Senate bill 5624, and I would rather take it up when there are more in the Senate Chamber, because it becomes a precedent. It therefore becomes important; and I desire to have the vote of the entire Senate upon the amendment that will be proposed.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota to proceed to the consideration of Senate bill 5670.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to pension the following-named persons at the rate stated:

John C. Johnston, late of Company A, Sixty-first Regiment Pennsylvania Volunteer Infantry, \$46.

Anna B. Heckelmann, widow of John A. Heckelmann, late first assistant surgeon, One hundred and sixteenth Regiment Illinois Volunteer Infantry, \$20.

Harry Jeremiah Parks, late of Company A, Ninth Regiment New York Volunteer Cavalry, \$30.

Tomas Escobado, late of Company E, First Regiment New Mexico Volunteer Cavalry, \$30.

Charles H. Edgecomb, late of Company I, Fifteenth Regiment Maine Volunteer Infantry, \$24.

David Frazier, late of Company C, One hundred and sixteenth Regiment Indiana Volunteer Infantry, \$24.

Alexander W. Barnes, late of Company E, Eleventh Regiment West Virginia Volunteer Infantry, \$30.

John R. Tolbert, late of Company A, Twelfth Regiment West Virginia Volunteer Infantry, \$24.

William A. Chapman, late of Company B, Seventeenth Regiment Kansas Volunteer Infantry, \$24.

George W. Whaley, late of Company B, Thirty-sixth Regiment Ohio Volunteer Infantry, \$30.

Alfred B. Loop, late of Company E, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, \$30.

John Thompson, late of Company B, Seventy-eighth Regiment Illinois Volunteer Infantry, \$30.

George F. Raulston, late captain Company D, Twenty-fourth Regiment New York Volunteer Cavalry, \$24.

Edward Jenison, late of Company F, First Regiment United States Cavalry, \$30.

Amos Brough, late of Company G, Seventy-fourth Regiment Ohio Volunteer Infantry, \$24.

Anderson C. Jones, late of Company A, Fifty-first Regiment Missouri Volunteer Infantry, \$24.

Smith A. Nicholson, late of Company C, Fiftieth Regiment Illinois Volunteer Infantry, \$30.

Elizabeth Weissmiller, former widow of David Stucky, late of Company A, Forty-sixth Regiment Wisconsin Volunteer Infantry, \$12.

Benjamin C. Zeitler, late of Company B, Twenty-fourth Regiment Iowa Volunteer Infantry, \$24.

Cyrus N. Doom, late of Company G, Eighth Regiment California Volunteer Infantry, \$24.

Robert B. Horrie, late of Company G, Thirty-sixth Regiment Illinois Volunteer Infantry, \$24.

George W. Holsted, late of Company L, Second Regiment Wisconsin Volunteer Cavalry, \$30.

James C. Bowerman, late of Company I, Forty-fifth Regiment Illinois Volunteer Infantry, \$24.

Frank McDaniels, late of Company D, Thirteenth Regiment Illinois Volunteer Infantry, \$30.

Millie Rhodes, widow of David Rhodes, late of Company H, Twenty-fifth Regiment Missouri Volunteer Infantry, \$12.

George S. Robinson, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, \$24.

Jennie A. Pettingell, widow of George D. Pettingell, late of Company K, Fifteenth Regiment, and Company K, Tenth Regiment, Illinois Volunteer Cavalry, \$12.

William Gant, late of Company C, Sixth Regiment Kentucky Volunteer Cavalry, \$24.

Simon W. Morgan, late of Company B, First Regiment Oregon Volunteer Cavalry, \$24.

Thomas H. Rutter, late of Company M, First Regiment New York Volunteer Cavalry, \$24.

John W. Dyer, late of Company F, Twelfth Regiment Wisconsin Volunteer Infantry, \$30.

Albert P. Odell, late of Company C, One hundred and seventy-eighth Regiment Pennsylvania Volunteer Infantry, \$24.

William W. Seagrave, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, \$36.

Henry J. Streight, late of Company C, Berry's Battalion Cavalry, attached to Thirteenth Regiment Missouri Volunteer Infantry, \$24.

Murdock McLean, late of Company F, Twenty-ninth Regiment Michigan Volunteer Infantry, \$30.

Samuel T. Bennett, late of Company G, Thirty-third Regiment Ohio Volunteer Infantry, \$30.

David E. Leach, late of Company C, Thirty-third Regiment Ohio Volunteer Infantry, \$24.

Francis M. Ward, late of Company B, One hundred and fiftieth Regiment Indiana Volunteer Infantry, \$24.

Jane Brand Barnard, the helpless and dependent invalid daughter of John G. Barnard, late colonel of Engineers, United States Army, and brigadier general, United States Volunteers, \$12.

Samuel T. Mills, late of Company A, Fifth Regiment Indiana Volunteer Cavalry, \$40.

Alonzo J. Mather, late of Company I, Twelfth Regiment Indiana Volunteer Infantry, \$30.

Daniel W. Roan, late of Companies E and D, Thirteenth Regiment Ohio Volunteer Infantry, \$30.

Horace H. Warren, late of Company A, Fourteenth Regiment Ohio Volunteer Infantry, \$20.

John Gorman, late of U. S. S. *Michigan*, *Huntsville*, and *St. Lawrence*, United States Navy, \$30.

Sanford A. Herendeen, late of the U. S. S. *Ohio*, *Princeton*, and *New Ironsides*, United States Navy, \$24.

James H. Riblet, late of Company M, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, \$24.

John M. Young, late of Company G, First Regiment Iowa Volunteer Cavalry, \$36.

William A. Phillips, late of Company A, Fifty-first Regiment Indiana Volunteer Infantry, \$30.

Mary A. Welker, widow of Benjamin F. Welker, late of Company C, Twenty-third Regiment Indiana Volunteer Infantry, \$20.

Myron Richards, late of Company A, First Regiment Ohio Volunteer Light Artillery, \$30.

James A. Lyons, late of Company E, Fifth Regiment Pennsylvania Volunteer Cavalry, \$24.

William London, late of Company D, Eighty-second Regiment Pennsylvania Volunteer Infantry, \$30.

Barton W. Pickett, late of Company I, Forty-third Regiment Missouri Volunteer Infantry, \$24.

George W. Kuster, late of Company A, Fifth Regiment West Virginia Volunteer Infantry, \$30.

Lewis Hyde, late of Company H, Twentieth Regiment, and Company D, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, \$40.

James Henry Albert, late of Company A, Eleventh Regiment Pennsylvania Volunteer Cavalry, \$24.

John T. Creeks, late of Company B, Sixty-first Regiment Pennsylvania Volunteer Infantry, \$30.

H. Charles Uiman, late captain Company A, Fifth Regiment Pennsylvania Reserves Volunteer Infantry, and Company I, First Regiment Veteran Reserve Corps, \$36.

Isaac O. Bowman, late of Company A, Fifth Regiment Indiana Volunteer Cavalry, \$30.

Anton Nedvidek, late of Company B, Ninth Regiment Wisconsin Volunteer Infantry, \$24.

William Riddle, late of Company D, First Regiment Tennessee Volunteer Cavalry, \$24.

Joseph C. Kilburn, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, \$24.

Mira M. Danley, widow of Hiel M. Danley, late of Company E, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, \$12.

William J. Seals, late of Company D, Second Regiment East Tennessee Volunteer Infantry, and Company E, Fourteenth Regiment Kentucky Volunteer Cavalry, \$24.

Benjamin Richardson, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, \$30.

James E. Kinnard, late of Company D, Twenty-first Regiment Kentucky Volunteer Infantry, \$30.

John S. Hughes, late of Company A, First Regiment Missouri State Militia Cavalry, \$40.

Mattie M. Converse, widow of Bolivar C. Converse, late major Eleventh Regiment Ohio Volunteer Cavalry, \$25.

Isaac N. Wakefield, late of Company E, First Regiment Tennessee Volunteer Mounted Infantry, \$24.

Thomas P. P. Wilson, late of Company K, Thirty-second Regiment Missouri Volunteer Infantry, \$24.

George J. Wilson, late of Company D, Seventeenth Regiment West Virginia Volunteer Infantry, \$24.

Martha A. Parkman, widow of Edward R. Parkman, late of Company A, Twenty-sixth Regiment Maine Volunteer Infantry, \$20.

William L. Pratt, late of Company E, Twenty-fourth Regiment Maine Volunteer Infantry, \$30.

Edward E. Miles, late of Third Battery Vermont Volunteer Light Artillery, \$24.

James Greer, late of Company C, Twenty-fifth Regiment Ohio Volunteer Infantry, \$24.

George W. Allen, late of Company A, Twenty-seventh Regiment Iowa Volunteer Infantry, \$24.

John F. Carl, late of Company B, Thirteenth Regiment, and Company H, Thirtieth Regiment, Maine Volunteer Infantry, \$24.

George P. Doeg, late of Company D, Third Regiment New Hampshire Volunteer Infantry, \$24.

Mary A. Corrigan, former widow of Bernard McCarren, late of Company C, First Regiment Delaware Volunteer Infantry, \$12.

Joseph M. Wolbert, late of Company D, Fifty-second Regiment Wisconsin Volunteer Infantry, \$24.

Thomas Southergill, late of Company E, Tenth Regiment Connecticut Volunteer Infantry, \$30.

John R. Megee, late of Company D, Third Regiment Delaware Volunteer Infantry, \$24.

Alfred Shaffer, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, \$30.

William Norris, jr., late of Company B, Sixteenth Regiment New Hampshire Volunteer Infantry, \$30.

Amelia L. Adams, widow of Jonathan M. Adams, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, \$12.

Edward R. Taylor, late of Company K, Twenty-fifth Regiment Illinois Volunteer Infantry, \$24.

Charles Barton, late of the Fourteenth Independent Battery Michigan Volunteer Light Artillery, \$24.

John K. Myers, late acting third assistant engineer U. S. S. *Fort Hindman*, United States Navy, \$24.

Amanda Smith, former widow of James K. Heyer, late of Company G, Twenty-ninth Regiment New Jersey Volunteer Infantry, and widow of John B. Smith, late of Company F, First Regiment Delaware Volunteer Infantry, \$12.

Lydia A. Flack, widow of David Flack, late of Company E, Fourth Regiment Ohio Volunteer Infantry, \$12.

Mary C. Crowder, widow of John H. Crowder, late of Company K, First Regiment Missouri State Militia Cavalry, \$20.

Charles H. Perkins, late of Company G, One hundred and thirty-sixth Regiment New York Volunteer Infantry, \$30.

Mr. McCUMBER. On page 10, line 13, I move to strike out the name of Pickett and insert in lieu thereof the name "Prickett." This amendment is a mere typographical error.

The amendment was agreed to.

Mr. SMITH of Georgia. I move to strike out, on page 15, lines 1 to 4, inclusive.

The VICE PRESIDENT. The Senator from Georgia offers an amendment, which will be stated.

The SECRETARY. Strike out lines 1 to 4, inclusive, on page 15, in the following words:

The name of Joseph M. Wolbert, late of Company D, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

Mr. SMITH of Georgia. I ask the Secretary to read the report of the committee in that case.

The VICE PRESIDENT. The Secretary will read the report of the committee with reference to this case.

The Secretary read from page 37 of Senate Report No. 450, as follows:

S. 5172. Joseph M. Wolbert served as a private in Company D, Fifty-second Regiment Wisconsin Volunteer Infantry; was enlisted March 22, 1865, and honorably discharged July 28, 1865. He never applied for a pension under the general law, but established a claim under the act of June 27, 1890, and is now pensioned under said act at \$12 per month, granted him for total incapacity for earning a support by manual labor. The claimant is now nearly 64 years of age. The report of his last medical examination, taken December 22, 1908, shows that he was disabled by disease of rectum, bronchitis, disease of stomach and bowels, and general debility, and the examining surgeon reported in direct terms that claimant was totally and permanently incapacitated for the performance of manual labor. Evidence filed with this committee shows that claimant is at present wholly unable to earn a support by manual labor by reason of bronchitis, hemorrhoids, and disease of bowels and rectum. It is also shown that claimant is in destitute circumstances, being entirely dependent upon his pension for the support of himself and family. On account of soldier's age, poverty, and inability to earn a support by his own manual labor, the committee recommend increase of pension to \$24 per month; his service was short, hence no greater increase is warranted.

Mr. SMITH of Georgia. I now ask the Secretary to read the report of the committee applicable to the pension of George P. Doeg, prior to that of Joseph M. Wolbert. It is on page 36, S. 5078. I am not moving to strike out the report of the committee applicable to Mr. Doeg.

The VICE PRESIDENT. The Chair understands.

Mr. SMITH of Georgia. I am only presenting the report of the committee as to him to illustrate my motion to strike out the increase of pension of Joseph M. Wolbert.

The VICE PRESIDENT. The Secretary will read, as requested.

The Secretary read from page 36, Report No. 450, as follows:

S. 5078. George P. Doeg was a private in Company D, Third Regiment New Hampshire Volunteer Infantry. He enlisted August 16, 1861, and was honorably discharged November 23, 1863, on surgeon's certificate of disability on account of gunshot wound of left hand, received in battle at Fort Wagner, S. C., July 18, 1863. He was originally pensioned under the general law for gunshot wound of left hand at \$2 per month from discharge, which was increased to \$3 from October 21, 1874; to \$4 from June 2, 1880; and to \$6 from March 2, 1895. He is now pensioned at \$12 per month under the age or service act of February 6, 1907.

The claimant is nearly 70 years old. Evidence filed with this committee shows that he is disabled by gunshot wound of left hand, left inguinal hernia, rheumatism, dyspepsia, weak heart, and impaired sight, and a physician and two neighbors testify that he is entirely incapacitated for performing manual labor for his support. It further appears that claimant is poor and without property or source of income other than his pension. On account of soldier's advanced age, poverty, and inability to earn a support by his own manual labor, the committee recommend increase of pension to \$24 per month.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. McCUMBER. Mr. President, before the final passage of the bill I wish to say a few words. The Senator from Georgia placed side by side what, from his judgment, would present the strongest possible case, by length of service and age, and one that would probably be the weakest that could be selected out of the number for a given amount. I call the attention of the Senate to the inability of any Senator to determine accurately from the report alone what ought to be granted. If all the evidence and the affidavits upon which the claim was based were before the Senate, it probably would arrive at the same conclusion the Senate committee arrived at in this case. It would probably be found that while the older man and the one who served the longer was, of course, physically disabled from performing manual service, in the case of the younger man and the one who had served a less number of years there was a very much greater physical disability, requiring the aid of a doctor very often, as in cases of hernia, sometimes very painful and distressing, sometimes demanding more or less aid and attention than are required by the older man. All of this evidence can not be carried out in detail, but only the conclusion given. I think if we had all of the evidence before us in each of the two cases we would find that the conclusion was accurately correct, if we base it upon the present physical condition, and grant the increase of pension to prevent destitution, rather than making our grant dependent entirely upon the length of service.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. McCUMBER. There is but one more of these pension bills upon the calendar, and, as I have suggested, we have not a very large attendance to-day, and I will call it up immediately after the morning business to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the procurement of heavy ordnance for trial and service, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERLEY, Mr. RAUCH, and Mr. GOOD managers at the conference on the part of the House.

The message also returned to the Senate, in compliance with its request, the following bills:

S. 317. An act to provide for the purchase of a site and the erection of a public building thereon at Sundance, in the State of Wyoming;

S. 318. An act to provide for the acquisition of a site and the erection of a public building thereon at Newcastle, Wyo.;

S. 3716. An act for the erection of a public building at St. George, Utah; and

S. 4493. An act to provide for the purchase of a site and the erection of a public building thereon at Thermopolis, in the State of Wyoming.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 17671) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and it was thereupon signed by the Vice President.

CONSIDERATION OF DISTRICT OF COLUMBIA BILLS.

Mr. GALLINGER. I ask unanimous consent that 15 minutes be devoted to the consideration of District of Columbia bills, unobjected cases, to be called by the chairman of the committee.

The VICE PRESIDENT. Is there objection? The Chair hears none.

HOME FOR FEEBLE-MINDED.

Mr. GALLINGER. I ask for the consideration of the bill (S. 5440) to establish a home for feeble-minded, imbecile, and idiotic children in the District of Columbia, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That there shall be established in the District of Columbia a home for feeble-minded, imbecile, and idiotic children, to be under the control and supervision of the commissioners of the said District.

SEC. 2. That the said commissioners shall have authority to make suitable rules and regulations for the government of the said home, including the admission of patients thereto, and shall also determine upon and appoint the necessary officers and employees and prescribe their duties and fix their salaries and compensation: *Provided,* That admissions to the said home shall be upon the certificate of the board of children's guardians of the District of Columbia, who shall certify that such children are residents of the said District and are feeble-minded, imbecile, or idiotic.

SEC. 3. That there is hereby appropriated, one half out of the revenues of the District of Columbia and the other half out of any moneys in the Treasury not otherwise appropriated, the sum of \$100,000 for the erection of all necessary buildings for said home for feeble-minded, imbecile, and idiotic children in the District of Columbia: *Provided,* That said building shall be erected upon land now owned by the District of Columbia located in the subdivision in the southeastern section of said District known as Blue Plains.

SEC. 4. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF NEW HAMPSHIRE AVENUE.

Mr. GALLINGER. I now ask to have considered the bill (S. 2504) to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, in section 1, page 2, line 8, after the word "in," where it occurs the second time, to strike out "resect" and insert "respect."

The amendment was agreed to.

Mr. OVERMAN. Does all this revenue come from the District, I will ask the chairman? Is the Government to be taxed for any part of this revenue?

Mr. GALLINGER. Oh, not at all; not in any case in the opening of streets.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JURISDICTION OF POLICE COURT.

Mr. GALLINGER. I now ask for the consideration of the bill (S. 5271) to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment in section 2, page 2, line 5, after the word "months," to insert "and in default of bond may be sentenced to imprisonment not exceeding six months," so as to make the bill read:

Be it enacted, etc., That the police court of the District of Columbia shall have jurisdiction, concurrently with the Supreme Court of the District of Columbia, of affrays and the keeping of a bawdy or disorderly house, and any person convicted of such an offense shall be punished by a fine not exceeding \$500 or imprisonment not exceeding one year, or both.

SEC. 2. That said police court shall also have concurrent jurisdiction with said supreme court of threats to do bodily harm, and any person convicted of such offense shall be required to give bond to keep the peace for a period not exceeding six months, and in default of bond may be sentenced to imprisonment not exceeding six months.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SPRING ROAD, DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes.

Mr. JOHNSTON of Alabama. I ask the Senator from New Hampshire to withhold that request, as a protest has come to me about the expense that will be involved by the passage of the bill.

Mr. GALLINGER. Very well. I withdraw the request.

EXTENSION OF BUCHANAN STREET, DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 1093) to provide for the extension of Buchanan Street NW., between Piney Branch Road and Sixteenth Street, and the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POLICE AND FIREMAN'S PENSION FUNDS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 5375) for the relief of the police and fireman's pension funds, District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Commissioners of the District of Columbia to deposit in the Treasury of the United States, to the credit of the police and fireman's relief funds of the District, from the receipts from licenses (other than liquor licenses), in addition to the revenue now authorized by law, such sum as may be required to meet the deficiency now existing in the fund, and thereafter such sum as may be necessary from time to time to prevent deficiencies in the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISINTERMENTS IN DISTRICT CEMETERIES.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 1086) to amend sections 680 and 686 of the Code of Law for the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 1, beginning in line 3, to strike out:

That section 680 of the Code of Law for the District of Columbia be, and the same is hereby, amended by striking out the following words: "In no case shall the grave be opened in which has been buried the body of any person who has died of Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, tetanus, diphtheria, or scarlet fever."

And in lieu thereof to insert:

That section 680 of the Code of Law for the District of Columbia be, and the same is hereby, amended by adding the following words: "within five years after the date of death," so that the last sentence of said section shall read as follows: "In no case shall a grave be opened in which has been buried the body of any person who has died

of Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, tetanus, diphtheria, or scarlet fever within five years after the date of death."

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 14, after the word "said," to strike out "interment" and insert "disinterment," so as to read:

SEC. 2. That section 686 of said code as it now reads be, and the same is hereby, repealed, and the following is hereby substituted therefor, namely:

"SEC. 686. Any body buried in the District of Columbia may be disinterred by the coroner of the District of Columbia, or upon his order, whenever said disinterment is, in his judgment, necessary to enable him to perform properly the duties of his office; and the Supreme Court of the District of Columbia, or a justice thereof, may order the disinterment of any such body whenever, in the opinion of said court or justice, the same is necessary in an inquiry as to the cause of death of a person or for the purpose of the trial of any cause in said court, and the health officer of the District of Columbia shall issue a permit for this purpose upon request of the coroner or justice, as the case may be.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PREFERENCE RIGHTS ON PUBLIC LANDS.

Mr. JONES. I ask unanimous consent for the present consideration of the bill (S. 5485) for the relief of holders and claimants of preference rights on public lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That any unmarried woman who has heretofore acquired or shall hereafter acquire or be entitled to any preference right to file or make entry under the homestead laws of any public lands of the United States shall not forfeit or lose such right by becoming married before making such filing or entry, but may, under such preference right, make application for and enter and file upon such lands, or any part thereof, and receive patent therefor, notwithstanding her marriage after acquiring or becoming entitled to exercise such preference right: *Provided*, That the man she marries is not at the time of her attempting to exercise such preference right claiming a separate tract of land under the homestead laws, or has not theretofore had the benefit of the homestead laws, and that any homestead entry made or attempted to be made by the husband, during the time the land entered pursuant to such preference right by the wife is held or claimed by her under the homestead laws, shall be null and void.

SEC. 2. That this act shall apply to all such preference rights heretofore acquired and now pending, undisposed of, or which may hereafter be acquired.

Mr. JONES. In section 1, page 2, line 21, after the word "not," in the substitute, I move to strike out the word "therefor" and to insert the word "theretofore."

The VICE PRESIDENT. The amendment proposed by the Senator from Washington to the amendment will be stated.

The SECRETARY. In section 1, page 2, line 21, after the word "not," it is proposed to strike out the word "therefor" and to insert "theretofore."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. WEBSTER.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 4839) for the relief of Mary J. Webster.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Interior is hereby authorized and directed to issue a patent to Mary J. Webster, her heirs and assigns forever, to the following-described tract of land in Fremont County, Idaho: The west half of the southwest quarter section 10, township 5 north, range 40 east, Boise meridian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MANEUVERING GROUNDS AT ANNISTON, ALA.

Mr. JOHNSTON of Alabama. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 178) creating a commission to investigate and report on the advisability of the establishment of a permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the city of Anniston, county of Calhoun, State of Alabama, and to likewise report as to certain

lands in and around the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated to the United States for said purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT NORTH TOPEKA, KANS.

Mr. CURTIS. I ask unanimous consent for the present consideration of the bill (S. 4310) to provide for the erection of a public building at North Topeka, Kans.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 1, after the word "exceed," to strike out "twenty-five" and insert "seventy-one," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed on the site to be acquired for that purpose a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office at North Topeka, Kans., the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed \$71,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building at North Topeka, Kans."

PUBLIC BUILDING AT MARTINSBURG, W. VA.

Mr. CHILTON. I ask unanimous consent for the present consideration of the bill (S. 2558) making an appropriation of public money to install an elevator in the United States public building at Martinsburg, W. Va.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 3, after the word "That," to strike out "there be, and is hereby, appropriated the sum of \$20,000, or so much thereof as may be necessary, for the purpose of installing," and to insert "the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the installation of"; and in line 10, after the word "building," to insert "at a cost not to exceed \$20,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the installation of an elevator in the United States courthouse and post-office building at Martinsburg, in the State of West Virginia, and for remodeling and replacing the main stairway of said building at a cost not to exceed \$20,000. The work of installing said elevator and replacing the said stairway shall be done under the plans and specifications to be furnished by the Supervising Architect of the Treasury Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the installation of an elevator in the United States public building at Martinsburg, W. Va."

PUBLIC BUILDING AT FARMVILLE, VA.

Mr. SWANSON. I ask unanimous consent for the present consideration of the bill (S. 1895) to provide for the purchase of a site and the erection of a public building thereon at Farmville, in the State of Virginia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 1, after the words "sum of," to strike out "fifty" and insert "sixty," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other Government offices, in the town of Farmville and State of Virginia, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of \$60,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRACTICE OF DENTISTRY IN THE DISTRICT OF COLUMBIA.

Mr. OVERMAN. I ask unanimous consent for the present consideration of the bill (S. 5244) to regulate the practice of dentistry in the District of Columbia.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL BUILDING AT COEUR D'ALENE, IDAHO.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (S. 248) providing for the erection of a Federal building at Coeur d'Alene, Idaho.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 10, after the word "exceed," to strike out "two hundred" and insert "one hundred and seventy-five"; and on page 2, line 1, after the words "sum of," to strike out "two hundred" and insert "one hundred and seventy-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office, court, and other offices of the Government at Coeur d'Alene, Idaho, the cost of said building aforesaid not to exceed \$175,000. For the purposes aforesaid the sum of \$175,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL BUILDING AT POCATELLO, IDAHO.

Mr. HEYBURN. I will take the liberty of also asking for the present consideration of the bill (S. 5077) providing for the erection of a Federal building at Pocatello, Idaho. A Federal court sits there, but there is no courthouse.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 10, before the word "hundred," to strike out "one" and insert "two"; and in line 11, before the word "hundred," to strike out "one" and insert "two," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already acquired at Pocatello, Idaho, a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and the accommodation of the United States post office, court, and other offices of the Government at that place, the cost of said building aforesaid not to exceed \$200,000. For the purposes aforesaid the sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OMAHA INDIAN RESERVATION LANDS IN NEBRASKA.

Mr. BROWN. I ask unanimous consent for the present consideration of the bill (S. 5060) to provide for the disposal of the unallotted land on the Omaha Indian Reservation in the State of Nebraska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments. The first amendment was in section 2, page 2, line 18, before the word "acres," to strike out "seven" and insert "ten," so as to read:

SEC. 2. That the Secretary of the Interior is hereby directed to reserve from sale, under the terms of this act, the following tracts of land for the purposes designated: Forty-nine acres of the land now used for agency purposes to be reserved for agency and school purposes for so long as the need thereof exists; 10 acres to be selected by the tribe for use as a tribal cemetery; 10 acres of the land now reserved for the use of the Presbyterian Church to be selected by the officials of said church for the use of the church so long as needed for religious or educational purposes; 2 acres of the land on which is standing what is known as the old Presbyterian mission building, and the Secretary of the Interior is hereby authorized to cause a patent in fee simple to issue therefor in the name of the State Historical Society of Nebraska.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 1, after the word "act," to insert "and after reimbursing the general

trust fund of the tribe for any assessment paid therefrom for protecting the unallotted tribal lands from overflow"; in line 8, after the word "page," to strike out "one" and insert "three"; and in line 11, after the word "be," to strike out "placed to the credit of said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum, until such time as the individual Indians shall have reached the age of 25 years, when the share to the credit of each Indian, with accrued interest, shall be paid to him upon application therefor through the Secretary of the Interior; but in the event of the death of such Indian prior to reaching the age of 25 years, his share shall be paid at once to his heirs under the laws of descent in force in the State of Nebraska" and insert "expended for the benefit of said Indians when and in such manner as in the opinion of the Secretary of the Interior shall be to their best interests, and pending such expenditure by the said Secretary the sums due the respective Indians shall be placed to the credit of the said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum, but in the event of the death of any such Indian while there remains in the Treasury to his credit any part of the sum so deposited the said sum shall be paid at once to his heirs, who shall be determined by the Secretary of the Interior in accordance with the laws of descent in force in the State of Nebraska, and the action of the Secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall in all respects be conclusive and final," so as to make the section read:

SEC. 4. That the proceeds of such sale, after paying all the expenses incident to and necessary for carrying out the provisions of this act, and after reimbursing the general trust fund of the tribe for any assessment paid therefrom for protecting the unallotted tribal lands from overflow, shall be divided pro rata among the children of the Omaha Tribe living on the date of the passage and approval of this act who have not received allotments of land under the acts of August 7, 1882 (22 U. S. Stat. L., p. 341), and March 3, 1893 (23 U. S. Stat. L., p. 630), and shall be expended for the benefit of said Indians when and in such manner as in the opinion of the Secretary of the Interior shall be to their best interests, and pending such expenditure by the said Secretary the sums due the respective Indians shall be placed to the credit of the said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum, but in the event of the death of any such Indian while there remains in the Treasury to his credit any part of the sum so deposited the said sum shall be paid at once to his heirs, who shall be determined by the Secretary of the Interior in accordance with the laws of descent in force in the State of Nebraska, and the action of the Secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall in all respects be conclusive and final.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MR. BROWN. I ask that the report of the committee accompanying the bill be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The report (No. 459) submitted by Mr. BROWN, March 8, 1912, is as follows:

SALE AND DISPOSITION OF LANDS IN OMAHA INDIAN RESERVATION IN NEBRASKA.

MR. BROWN, from the Committee on Indian Affairs, submitted the following report to accompany S. 5060:

The Committee on Indian Affairs, to which was referred the bill (S. 5060) to provide for the disposal of the unallotted lands on the Omaha Indian Reservation in the State of Nebraska, having had the same under consideration, beg leave to report that the bill do pass with the following amendments:

Page 2, line 15, strike out the word "seven" and insert in lieu thereof the word "ten."

Page 3, line 23, after the word "act" insert the following:

"And after reimbursing the general trust fund of the tribe for any assessment paid therefrom for protecting the unallotted tribal lands from overflow."

Page 4, line 3, strike out the word "one" and insert in lieu thereof the word "three."

Page 4, line 6, after the word "be," strike out the remainder of said line and all of lines 7 to 15, inclusive, and insert in lieu thereof the following:

"Expended for the benefit of said Indians when and in such manner as in the opinion of the Secretary of the Interior shall be to their best interests, and pending such expenditure by the said Secretary the sums due the respective Indians shall be placed to the credit of the said Indians in the Treasury of the United States and shall bear interest at the rate of 5 per cent per annum; but in the event of the death of any such Indian while there remains in the Treasury to his credit any part of the sum so deposited the said sum shall be paid at once to his heirs, who shall be determined by the Secretary of the Interior, in accordance with the laws of descent in force in the State of Nebraska, and the action of the Secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall in all respects be conclusive and final."

Your committee submits and makes a part of this report two letters from the Department of the Interior on the subject of the proposed legislation:

DEPARTMENT OF THE INTERIOR,
Washington, February 14, 1912.

HON. ROBERT J. GAMBLE,
Chairman Committee on Indian Affairs, United States Senate.

SIR: I have the honor to acknowledge the receipt, by your reference of February 6, 1912, for consideration and report, of a copy of Senate

bill 5060, Sixty-second Congress, second session, providing for the sale of the tribal lands of the Omaha Indian Reservation in Nebraska.

This department, on January 28, 1910, submitted to the Congress drafts of a bill authorizing the sale of the Omaha tribal lands, and in its letters accompanying said drafts set forth fully the facts relating thereto. See House Document No. 630, Sixty-first Congress, second session.

The Indians have expressed a desire to have 10 acres set aside for a tribal cemetery. It is respectfully recommended, therefore, that the word "seven" in section 2, line 15, page 2, be stricken out and the word "ten" be inserted in lieu thereof.

The word "one" in section 4, line 3, page 4, should be stricken out and the word "three" inserted in lieu thereof.

The act of February 18, 1909 (35 Stat. L., 628), authorized the payment of any assessments which may be made by any drainage district in the State of Nebraska on the tribal lands of the Omaha and Winnebago Indians, to protect such lands from overflow, from the tribal funds remaining to the credit of these Indians.

The estimated cost of drainage to protect the tribal lands of the Omaha Tribe is approximately \$600. The lands subject to overflow will be greatly enhanced in value by the drainage provided for in the act of February 18, 1909, supra, and it is but just that the cost of draining these tribal lands should be paid from the proceeds derived from their sale. It is believed that provision should be made in the bill for reimbursing the tribal funds for the cost of draining the lands to be sold from the proceeds of the sale. This can be done by inserting after the word "act" in section 4, line 23, page 3, the following:

"And after reimbursing the general trust fund of the tribe for any assessment paid therefrom for protecting the unallotted tribal lands from overflow."

Section 4 of the bill provides that the proceeds derived from the sale of the tribal lands shall be deposited in the Treasury of the United States to the individual credit of the unallotted children living at the date of the passage of the act, to draw interest at the rate of 5 per cent per annum, each Indian to be paid his share with accrued interest when he reaches the age of 25 years.

The department is of the opinion that authority should be given the Secretary of the Interior to expend the share of individual Indians prior to the time they reach the age of 25 years, when, in his opinion, it will be to their advantage. It is not deemed advisable to have money deposited in the Treasury to the credit of these individual Indians which can not be used to provide for their education or to relieve sickness and distress.

It is respectfully recommended, therefore, that section 4 be further amended by striking out all that part thereof after the word "be" in line 6, page 4, and inserting in lieu thereof the following:

"Expended for the benefit of said Indians when and in such manner as in the opinion of the Secretary of the Interior shall be to their best interests, and pending such expenditure by the said Secretary the sums due the respective Indians shall be placed to the credit of said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum, but in the event of the death of any such Indian while there remains in the Treasury to his credit any part of the sum so deposited the said sum shall be paid at once to his heirs, who shall be determined by the Secretary of the Interior, in accordance with the laws of descent in force in the State of Nebraska, and the action of the Secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall in all respects be conclusive and final."

If amended as suggested herein, this department will be glad to see the enactment of Senate bill 5060, Sixty-second Congress, second session.

Respectfully,

SAMUEL ADAMS,
Acting Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, February 8, 1909.

SIR: By direction of the President, I inclose a draft of a bill, the enactment of which into law at this session of Congress I consider extremely urgent, for reasons which I shall set out. The proposed measure provides for the disposal of all the unallotted land on the Omaha Indian Reservation in the State of Nebraska.

Allotments on the Omaha Indian Reservation were originally made in accordance with the provisions of the act of August 7, 1882 (22 Stat. L., 341). Allotments under this act to 954 members of the tribe were approved by the department on July 11, 1884, and the trust period for such allotments will expire on July 10, 1909.

Section 8 of the same act provided that the residue of lands, after all allotments had been made "shall be patented to the said Omaha Tribe of Indians, which patent shall be of the legal effect and declare that the United States does and will hold the land thus patented for the period of 25 years in trust for the sole use and benefit of the said Omaha Tribe of Indians, and that at the expiration of said period the United States will convey the same by patent to said Omaha Tribe of Indians in fee discharged of said trust and free of all charge or encumbrance whatsoever."

For reasons which the present administration of the department and of the Indian Office is unable to supply, no patent to the tribal lands was issued in accordance with the direction of the section quoted. It is easy to conceive, however, that a court of law might hold that the act was mandatory, and required the issuance of a trust patent for the tribal lands, and that, since this ought to have been done, a constructive trust period went into effect with regard to the tribal lands from the date of the completion of allotments in severalty on July 11, 1884, and would therefore expire on July 10, 1909.

In view of this possible and very probable interpretation of the act of August 7, 1882, that a constructive trust period is now in effect, which will expire on July 10, 1909, it is manifest:

1. That if no provision be made to meet the condition it needs only conflicting interests in the disposition of the unallotted lands to bring about much expensive and vexatious litigation and serious embarrassment to the administration of the affairs of these Indians.

2. That any legislation designed to meet the emergency, if such exists, must be passed at this session of Congress in order to be of any avail.

There are conflicting interests in the disposition of this unallotted land, which arose from the following conditions:

Section 8 of the act of August 7, 1882, supra, provided that, from the residue of lands to be patented to the tribe in common, allotments should be made and patented to each Omaha child born prior to the expiration of the time during which it was provided that the tribal lands should be held in trust (i. e., prior to July 10, 1909, on the constructive hypothesis herein outlined), the individual patents to override the patent to the tribe in common, and the lands so patented to

the children to be segregated from the tribal lands. It is worthy of note, also, that the trust period on the proposed allotments to children was to expire, under the terms of this section, simultaneously with the expiration of the trust period on the tribal lands.

No allotments to children have been made under this section. The only allotments made from the residue of lands after the allotments of 1884 were made under the terms of the act of March 3, 1893 (27 Stat. L., 612, 630), which was amendatory in that it gave larger areas to children allotted under the former act, and provided for allotments to all women and children in being on March 3, 1893. The later act, however, did not repeal the former, so that there can be no doubt but that the children born since March 3, 1893, have been born into a right to an allotment of 40 acres each under the provision of the act of August 7, 1882, supra, so long as any is left of the tribal land.

The difficulty in carrying out the intent of this act at this time arises from the fact that there are now living 520 children of the tribe who, having been born since March 3, 1893, have received no allotments, and there is only about 4,500 acres of unallotted land, so that only 112 allotments of 40 acres each could be made to the 112 eldest unallotted children, leaving 408 children for whom no provision would be made. The prospect of such a disposition has aroused intense opposition among the parents of the 408 children who would thus receive nothing. Moreover, the unallotted land varies greatly in character and value, so that it was impossible equitably to divide it.

To pass a measure providing for the equal distribution of the tribal lands among all the living children would be open to serious objection, because this would give each child only about 8.6 acres, of unequal value—a quantity too small to be either cultivated or leased to advantage.

It would seem wiser to provide legislation designed to carry out the spirit of the act of August 7, 1882, the neglect to comply with the letter of it being a matter not susceptible of explanation at this time. The value in the open market of the tribal lands is variously estimated at \$100,000 to \$200,000. At the lower figure the sale of the lands and an equal distribution of the funds so arising among all the children would give each child about \$190. The oldest child who could become a beneficiary under such a plan would be about 15 years of age when title passed to him for his share of \$190. If this sum were placed to his credit in the Treasury at 5 per cent interest per annum until he was 25 years of age, the amount then due him would be \$285. The younger the child at the date of the passage and approval of such act the greater the sum which would be his on reaching the age of 25 years.

Such is the purport of the accompanying bill, which is believed not only to furnish the best solution of the problem, but to meet the wishes of the majority of the tribe as expressed in open council, and in communications to the Indian Office. The bill contains certain reservations essential to the welfare of the tribe; provides for an Indian town near the present agency, which is a cherished dream of the Omahas; and gives the Nebraska Historical Society the old Presbyterian mission, which it is their desire to preserve as a landmark; and I strongly urge its enactment into law, and again call your attention to the fact that it is necessary that such an enactment be had at this session if at all.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation in the State of Nebraska.

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed, if necessary, and appraised, in manner hereinafter set forth, in tracts of 40 acres each; and, after such survey and appraisal, to sell and convey, in quantities not to exceed 160 acres to any one purchaser, all the unallotted lands on the Omaha Indian Reservation in the State of Nebraska, except such tracts as are hereinafter specifically reserved: *Provided*, That the said land shall be sold to the highest bidder under such regulations as the Secretary of the Interior may prescribe, but no part of said land shall be sold at less than the appraised value thereof: *And provided further*, That prior to such appraisal and sale, any member of the Omaha Tribe whose allotment is subject to erosion by the Missouri River shall be permitted to relinquish such allotment and select lieu lands of equal area from the unallotted lands, the lands so relinquished to become a part of the unallotted tribal lands and subject to appraisal and sale under the terms of this act.

SEC. 2. That the Secretary of the Interior is hereby directed to reserve from sale under the terms of this act the following tracts of land for the purposes designated: Forty-nine acres of the land now used for agency purposes, to be reserved for agency and school purposes for so long as the need thereof exists; 7 acres, to be selected by the tribe, for use as a tribal cemetery; 10 acres of the land now reserved, for the use of the Presbyterian Church, to be selected by the officials of said church for the use of the church so long as needed for religious or educational purposes; 2 acres of the land on which is standing what is known as the old Presbyterian mission building, and the Secretary of the Interior is hereby authorized to cause a patent in fee simple to issue therefor in the name of the State Historical Society of Nebraska: *Provided*, That of the land now reserved for agency purposes the Secretary of the Interior is directed to reserve and set aside for town-site purposes 164 acres, other than the 49 acres hereinbefore reserved, and shall cause the same to be surveyed and platted into town lots, streets, alleys, and parks, the lots to be appraised and sold under the terms of this act, but no bid shall be received therefor except from members of the tribe, and the streets, alleys, and parks are hereby dedicated to the public use.

SEC. 3. That the appraisal directed by this act shall be made by three competent commissioners to be appointed by the Secretary of the Interior, after the completion of the surveys herein directed and authorized, one of whom shall be a resident citizen of the State of Nebraska, one an employee of the Indian Bureau, and one holding tribal relations with the Omaha Indians, said commission to be paid a salary of not to exceed \$5 per day each while actually employed in the inspection and appraisal of said land, such appraisal to be completed within such a period after the date of the organization of said commission as the Secretary of the Interior shall designate.

SEC. 4. That the proceeds of such sale, after paying all the expenses incident to and necessary for carrying out the provisions of this act, shall be divided pro rata among the children of the Omaha Tribe living on the date of the passage and approval of this act who have not received allotments of land under the acts of August 7, 1882 (22 U. S. Stat. L., 441), and March 3, 1893 (23 U. S. Stat. L., 630), and shall be placed to the credit of said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum until such time as the individual Indians shall have reached the age of 25 years, when the share to the credit of each Indian, with accrued in-

terest, shall be paid to him upon application therefor through the Secretary of the Interior; but in the event of the death of such Indian prior to reaching the age of 25 years, his share shall be paid at once to his heirs under the laws of descent in force in the State of Nebraska.

SEC. 5. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, or so much thereof as may be necessary, to be reimbursable out of the funds arising from the sale of said lands.

SEC. 6. All acts and parts of acts not consistent with the provisions of this act are hereby repealed.

SADDLE MOUNTAIN NATIONAL PARK, OREG.

Mr. CHAMBERLAIN. I ask unanimous consent for the present consideration of the bill (S. 2186) to set apart certain lands in the State of Oregon as a public park, to be known as the Saddle Mountain National Park.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That all those certain tracts, pieces, or parcels of land lying and being situate in the State of Oregon and within the boundaries particularly described as follows, to wit: The south half and the northeast quarter of section 7, and the west half and the southeast quarter of section 8, and the southwest quarter of section 9, and the northwest quarter of section 16, and the north halves of sections 17 and 18, in township 5 north, range 8 west; and the southwest quarter of section 27, and the southeast quarter of section 28, and the north half of section 33, and the northwest quarter of section 34, and the northeast quarter and the southwest quarter of section 28, and the northeast quarter and the southeast quarter of section 29, in township 6 north, range 8 west of the Willamette meridian, are hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people, to be known and designated as the Saddle Mountain National Park, and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and be removed therefrom.

SEC. 2. That said park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition as far as practicable. He shall provide against the wanton destruction of the fish and the game found within said park and against their capture or destruction for the purposes of merchandise or profit, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this act.

SEC. 3. That the Secretary of the Interior may, in his discretion, grant leases, transportation and other privileges, covering the occupation and use of lands and the transaction of business for the accommodation of tourists within the park. Such privileges may include the development and working of the resources in said park, but shall not be granted for any purpose inconsistent with that for which the park is established, or which would injure or destroy any of the forests, natural wonders, and other objects of interest or resort in the park, or prevent access to any of such objects or the enjoyment thereof by the people. Leases or privileges granted shall run for a period of not to exceed 20 years, but may be renewed or extended at the expiration thereof; no exclusive privilege, however, shall be granted within the park except upon the ground leased. The Secretary of the Interior may exact such charges as he deems proper for leases, privileges, etc., granted hereunder, and all funds derived therefrom, or from any source whatsoever connected with the park, shall be expended under his direction in the management, protection, and improvement of the park.

SEC. 4. That all persons who shall unlawfully intrude upon said park or who shall without permission appropriate any object therein, depredate on the game or fish, or commit unauthorized injury or waste in any form whatever upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall be deemed guilty of a misdemeanor, and, upon conviction, be fined in a sum not more than \$500, or be imprisoned for a period not more than 12 months, or shall suffer both fine and imprisonment, in the discretion of the court.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENALTY FOR DESERTION OF SEAMEN.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 5757) to abolish the penalty of imprisonment for desertion of seamen from vessels of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that imprisonment as a penalty for desertion of seamen from vessels of the United States and for neglect or refusal to join the vessel is abolished.

Mr. HEYBURN. I should like to hear some explanation of the bill. I merely want to know what you are going to do with these men if you can not imprison them. How are you going to punish them?

Mr. NELSON. Two or three years ago we abolished imprisonment in the coastwise service. This bill was introduced at the instance of the Department of Commerce and Labor, on the recommendation of the Commissioner of Navigation that we ought to abolish imprisonment in our foreign service. The law as it exists now relates only to ships in the foreign service.

Mr. HEYBURN. I felt curious to know how you are going to punish a man who violates the law.

Mr. NELSON. This repeals the law.

Mr. HEYBURN. Yes; it does; but suppose a man misbehaves himself; what are you going to do with him?

Mr. NELSON. The bill does not apply to such cases. It applies only to cases of desertion.

Mr. LODGE. In the merchant service.

Mr. HEYBURN. What is the penalty?

Mr. LODGE. They lose their pay.

Mr. NELSON. They lose their pay.

Mr. HEYBURN. That is all? I have no doubt Senators have given consideration to the bill—

Mr. NELSON. It is a recommendation of the Department of Commerce and Labor.

Mr. HEYBURN. That would not cut much figure with me.

Mr. NELSON. And it is the unanimous report of the committee.

Mr. HEYBURN. The recommendation of anybody outside of Congress does not go very far with me. Our wisdom here is the criterion with me, and I say that not in any invidious sense, but I am tired of hearing of the recommendations of the departments in the enactment of laws to preserve the peace and maintain the service of those who enlist. While I do not object to the bill, I shall at least interpose these suggestions, and somebody in the future may take them up and elaborate them.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MANNINGTON, W. VA.

Mr. WATSON. I ask unanimous consent for the present consideration of the bill (S. 2689) to provide for the erection of a public building at Mannington, W. Va.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments, in line 11, before the word "thousand," to strike out "one hundred" and insert "seventy-five," and after the word "dollars," in line 11, to strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office at Mannington, W. Va.; the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed \$75,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY R. DRAKE.

Mr. LODGE. I ask for the present consideration of the bill (S. 3917) for the retirement of Henry R. Drake, captain, Philippine Scouts.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place Henry R. Drake, a captain of the Philippine Scouts, upon the retired list of the Army with the rank of captain of Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. I ask to have the report of the committee in this case printed in the Record.

The VICE PRESIDENT. Without objection, the report of the committee will be printed in the Record.

The report (No. 423) submitted by Mr. HITCHCOCK February 29, 1912, is as follows:

The Committee on Military Affairs, to which was referred the bill (S. 3917) for the retirement of Henry R. Drake, captain, Philippine Scouts, has carefully considered same and reports it back to the Senate favorably with the recommendation that it pass without amendment.

The following facts in the case are presented in support of the recommendation for favorable action:

Capt. Henry R. Drake, captain of the Philippine Scouts, having formerly served as an enlisted man, and later as a sergeant in the Regular Army, has been in the military service 27 years, 42 years of age.

On October 24, 1909, while taking a prescribed exercise with other officers, he accidentally slipped and fell and fractured his left hip. His left leg was put in a plaster cast, and he was taken to Manila, P. I., where he remained until a year and a half ago. He has been since then in San Francisco, having been continuously in hospital for over two years. It is contended that his case presents one of malpractice or mistakes by military surgeons. His leg was prematurely taken from its plaster cast, thus preventing the setting of the hip. He was subjected to two X-ray examinations, one of 25 minutes and one of 20 minutes, each inflicting severe burns not yet healed. Later his hip and his knee were each subjected to a proper X-ray exposure of 30 seconds, and several operations were performed to cure the burns. The authorities say that he will be a cripple for life.

Capt. Drake suffered greatly over a long period of time. His military record is good, and he is a man of no means. The War Department recommends the passage of this bill, S. 3917, to place him upon the retired list of the Army with the rank of captain of Infantry.

HARRIET B. ANDERSON AND OTHERS.

Mr. RAYNER. I ask unanimous consent for the present consideration of the bill (S. 4213) for the relief of the estate of Harriet B. Anderson and others.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the personal or legal representatives of the following estates, which paid taxes in the internal-revenue district of Maryland, namely, estates of Harriet B. Anderson, Emanuel Bowman, Henry A. Clarke, John M. Comstock, Henry Heldorfer, Albertus L. Horner, Walter B. McAtee, Susan McCulloch, Mary G. Simms, Parthena Thyson, and John J. Wight, such sums of money as have been in any manner collected from those estates as internal-revenue taxes paid on legacies and distributive shares of personal property to the United States under the war-revenue act of June 13, 1898.

Mr. SMOOT. I should like to inquire whether the bill simply removes the statute of limitations?

Mr. RAYNER. That is all; in accordance with the decision of the United States Supreme Court in the case of Knowlton against Moore.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CORVALLIS, OREG.

Mr. BOURNE. I ask unanimous consent for the present consideration of the bill (S. 5491) for the purchase of a site and the erection thereon of a public building at Corvallis, Oreg.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building for the use and accommodation of the United States post office and other Federal offices at Corvallis, in the State of Oregon, the cost not to exceed \$100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 22, 1912, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 21, 1912.

CONSUL.

Samuel H. Shank to be consul at Sherbrooke, Quebec, Canada.

SURVEYOR GENERAL OF SOUTH DAKOTA.

Clark B. Alford to be surveyor general of South Dakota.

PROMOTIONS IN THE NAVY.

Capt. Abraham V. Zane, an additional number in grade, to be a rear admiral.

Asst. Paymaster William H. Wilterdink to be a passed assistant paymaster.

Midshipman Frank E. Johnson to be an ensign.

Midshipman Lewis Wasson to be an ensign.

POSTMASTERS.

CALIFORNIA.

James F. Colley, Nevada City.

F. C. Hemenway, Winters.

Edward T. Ketcham, Santa Maria.

Edwin Stanton, Avalon.

Charles E. Tucker, Fortuna.

ILLINOIS.

Oliver M. Edwards, Sorento.

KANSAS.

William C. Coates, Alta Vista.

Elon G. Dewey, Moline.

Morgan M. Michael, Burrton.

LOUISIANA.

Joseph R. Domengeaux, La Fayette.

MAINE.

Eldridge H. Bryant, Machias.

MASSACHUSETTS.

Arthur C. Lombard, South Ashburnham.
William H. Pierce, Winchendon.

MICHIGAN.

George E. Dewey, Shelby.
Francis McElroy, Lapeer.
Fred G. Merriman, Hartford.

MISSISSIPPI.

Thomas W. Wadlow, Gulfport.

NEBRASKA.

Melancthon Scott, South Auburn.

NEVADA.

R. D. Goode, Carson City.

WASHINGTON.

Hugh Eldridge, Bellingham.
Henry A. Rathvon, Marysville.

WEST VIRGINIA.

John F. Lewis, Point Pleasant.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 21, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, let Thy blessing descend upon us. Open our eyes to the truth, and give us the courage and the fortitude to follow in its wake.

Truth, crushed to earth, shall rise again—
The eternal years of God are hers;
But Error, wounded, writhes with pain,
And dies among his worshippers.

So may we know the truth, assimilate it, live it, and at last be glorified in it, with the Lord from heaven. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. In a legislative way this is Monday, by order of the House, and the Clerk will call the first bill on the Unanimous Consent Calendar.

Mr. RUSSELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL. I should like to ask whether a bill that had not been on the calendar a sufficient length of time last Monday can be considered to-day?

The SPEAKER. Of course it can.

Mr. RUSSELL. Suppose it was on the calendar only one day on last Monday.

The SPEAKER. If it has been on the printed calendar three days, it can be considered.

Mr. RUSSELL. I understood that matters would stand to-day exactly as they would have stood if these bills had been considered last Monday, and therefore that they would have to be on the calendar three days prior to last Monday.

The SPEAKER. The Chair had not thought of that.

Mr. SULLOWAY. To-day was substituted for last Monday by order of the House.

The SPEAKER. That is true.

Mr. MANN. I suggest to the Speaker that this is not Monday. It seems to me that any bill that has been on the calendar for three days now is in order.

Mr. RUSSELL. This is Monday, in contemplation of the rule.

Mr. NORRIS. Mr. Speaker, I suggest that the Speaker refresh his recollection by having the order read.

The SPEAKER. That is precisely what the Chair is going to do. The Chair will have the Clerk read it.

The Clerk read as follows:

On motion of Mr. UNDERWOOD, by unanimous consent, *Ordered*, That the regular business for Monday, March 18, 1912, be postponed until Thursday, March 21, 1912. (Order agreed to March 18, 1912.)

Mr. NORRIS. Now, Mr. Speaker, I should like to suggest, if the Speaker will permit, that under that order a bill on the Unanimous Consent Calendar that had not been there long enough on Monday last would not be in order to-day.

Mr. RUSSELL. That is my point.

Mr. NORRIS. A Member might know that a bill had not been on the calendar long enough on Monday, and he might go away in the perfect assurance that it could not come up under unanimous consent. It seems to me that it would not be right to consider it to-day.

The SPEAKER. The Chair would like to ask the gentleman from Nebraska what is the object of this three days' notice, anyway?

Mr. NORRIS. I presume the object of the three days' notice is to notify the membership generally that at that particular time some particular bill will be taken up. Now, a man might have been watching the calendar, intending to object to a bill on last Monday. If the bill that he wanted to object to was not on the calendar he would give it no further attention, knowing that that day had been put over until to-day and that only what was in order on last Monday would be in order to-day. It seems to me that what would not be in order on last Monday ought not to be in order to-day.

Mr. SHERLEY. Mr. Speaker, we can not make the rules of the House to suit the convenience of Members who are absent or who are not informed as to what is on the calendar. The fact is that to-day is not Monday, but is Thursday; but by an order of the House matters that would have been in order on Monday are in order to-day.

Mr. NORRIS. That is correct; matters in order on Monday would be in order to-day, but matters that were not in order on Monday would not be in order to-day.

Mr. SHERLEY. The gentleman is not accurate in his statement. Matters that were in order on Monday are in order to-day, but the right of matters to be on the calendar is determined by the fact that they have been there three days prior to the consideration of the calendar, and the three days is determined by the physical fact that to-day is Thursday and not Monday.

Mr. SULLOWAY. Mr. Speaker, I insist that under the order of the House matters not in order on Monday would not be in order to-day. By order of the House to-day was substituted for Monday, and no prior right can come in over and above what was in order on that day, and to-day pensions are now in order.

The SPEAKER. The Chair will state that as soon as we are through with the Unanimous Consent Calendar, motions to suspend the rules are in order. The recollection of the Chair is that the gentleman from Missouri [Mr. RUSSELL] was the first Member to apply to the Chair or notify the Chair that he desired to be recognized for a motion to suspend the rules, and the Chair will carry out the agreement.

Mr. SULLOWAY. That will be entirely satisfactory to me.

The SPEAKER. The consideration of bills by unanimous consent is an extraordinary proceeding and ought to be conducted with great care. The rule in regard to the Unanimous Consent Calendar was established because Members thought they ought to have a right to have a bill taken up by unanimous consent, whether the Speaker was in favor of it or not. Speaker CANNON said that it was a great relief to the Speaker, and the Chair thoroughly agrees with him.

The philosophy of the three days' notice is that Members shall have three days' notice of the fact that unanimous consent is to be asked to take up certain bills. When the question was raised some time ago as to whether Sunday ought to be counted as part of the three-day period, the Chair ruled that in counting the three days Sunday was non dies, because there was no calendar printed on that day, and of course did not give a Member notice. The duty of Members is to be here every day and attend to the business of the House, and the Chair holds that if a bill has been on the calendar three days prior to to-day it is in order.

Mr. RODDENBERRY rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. RODDENBERRY. I rise to present a privileged resolution under the rules and the Constitution.

The SPEAKER. The Chair rules it out of order.

Mr. RODDENBERRY. I will send it to the Clerk's desk, that it may be pending.

Mr. SHERLEY. Mr. Speaker, I make the point of order that the gentleman from Georgia has not been recognized.

The SPEAKER. The gentleman has not been recognized for that purpose. The rule says that immediately after reading the Journal the Unanimous Consent Calendar shall be called, and although the gentleman applied to the Speaker to be recognized to offer the privileged resolution, the Speaker refuses to allow that to be done.

Mr. RODDENBERRY. Mr. Speaker, I submit that under the rules of the House and the Constitution this resolution is in order, although there may be a special order, although it may be Unanimous Consent Calendar day, and although there may be other preferential motions.

The SPEAKER. The gentleman's remedy is by an appeal from the decision of the Chair.

Mr. RODDENBERRY. Mr. Speaker, I appeal from the decision of the Chair, and upon that appeal I desire to be heard.

Mr. SHERLEY. I move to lay the appeal on the table.
Mr. RODDENBERRY. Mr. Speaker, I withdraw the appeal.

INVESTIGATION OF WATER RESOURCES.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 9056) to continue the investigation of water resources.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. I reserve the right to object.

Mr. PAGE. I object.

The SPEAKER. The gentleman from North Carolina objects and the bill will be stricken from the calendar. The Clerk will report the next bill.

CONDEMNED CANNON TO ARMY AND NAVY UNION.

The next bill on the Calendar for Unanimous Consent was H. J. Res. 239, authorizing the Secretary of War to deliver a condemned cannon to the Army and Navy Union, United States of America.

The Clerk read House joint resolution 239, as follows:

Resolved, etc., That the Secretary of War is hereby authorized to deliver to the order of Charles H. Baxter, first vice president of the Army and Navy Union, United States of America, one dismounted bronze cannon used in the Civil War, to be used by the Army and Navy Union for the purpose of furnishing official badges of the order: *Provided*, That no expense shall be caused to the United States through the delivery of said condemned cannon.

The SPEAKER. Is there objection to the present consideration of the House joint resolution?

There was no objection.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

REGULATION OF FEES AND COSTS IN THE DISTRICT COURTS OF THE UNITED STATES.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 19418) to amend section 5 of an act entitled "An act to regulate fees and costs, and for other purposes," approved February 22, 1875.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to regulate fees and costs, and for other purposes," approved February 22, 1875, be, and the same is hereby, amended so as to read as follows:

"Sec. 5. That if any clerk of any district court of the United States shall willfully refuse or neglect to make any report, certificate, statement, or other document required by law to be by him made, or shall willfully refuse or neglect to forward any such report, certificate, statement, or document to the department, officer, or person to whom by law the same should be forwarded, the President of the United States is empowered, and it is hereby made his duty in every such case, to remove such clerk so offending from office by an order in writing for that purpose; and the President may also at any time, by like order made after hearing, remove such clerk for neglect of duty, malfeasance in office, or inefficiency. And upon the presentation of such order, or a copy thereof, authenticated by the Attorney General of the United States, to the judge of the court whereof such offender is clerk, such clerk shall thereupon be deemed to be out of office and shall not exercise the functions thereof, and such district judge shall appoint a successor. Such person so removed shall not be eligible to any appointment as clerk or deputy clerk for the period of two years next after such removal."

SEC. 2. That all acts inconsistent with the provisions of this act are hereby repealed.

The following committee amendments were read:

First. In page 2, line 5, strike out the words "neglect of duty" and insert in lieu thereof the words "misappropriation of any money coming into his hands as such or for other."

Second. In page 2, line 6, strike out the words "or inefficiency," so the clause as amended will read:

"And the President may also at any time, by like order made after hearing, remove such clerk for misappropriation of any money coming into his hands as such or for other malfeasance in office."

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. CLAYTON. Mr. Speaker, on December 21 last the President said in his message to Congress:

The report of the Attorney General shows that he has subjected to close examination the accounts of the clerks of the Federal courts; that he has found a good many which disclose irregularities or dishonesty; but that he has had considerable difficulty in securing an effective prosecution or removal of the clerks thus derelict. I am certainly not unduly prejudiced against the Federal courts, but the fact is that the long and confidential relations which grow out of the tenure for life on the part of the judge and the practical tenure for life on the part of the clerk are not calculated to secure the strictness of dealing by the judge with the clerk in respect to his fees and accounts which assures in the clerk's conduct a freedom from overcharges and carelessness. The relationship between the judge and the clerk makes it ungracious for members of the bar to complain of the clerk or for department examiners to make charges against him to be heard by the court, and an order of removal of a clerk and a judgment for the recovery of fees are in some cases reluctantly entered by the judge. For this reason I recommend an amendment to the law whereby the President shall be given power to remove the clerks for cause. This provision need not interfere with the right of the judge to appoint his clerk or to remove him.

It was in pursuance of that recommendation of the President of the United States that this bill was drawn, and it was drawn so as to enlarge the President's power of removal under existing law. Under existing law—that is, under the act of February 18, 1875—the power of the President in such case was as follows:

That if any clerk of any district or circuit court of the United States shall willfully refuse or neglect to make any report, rectificate, statement, or other document required by law to be by him made, or shall willfully refuse or neglect to forward any such report, certificate, statement, or document to the department, officer, or person to whom, by law, the same should be forwarded, the President of the United States is empowered, and it is hereby made his duty, in every such case, to remove such clerk so offending from office by an order in writing for that purpose.

We propose in this bill to enlarge the power of the President to remove the clerk for misappropriation of any moneys coming into his hands as such clerk, or for other malfeasance in office. The bill as I originally introduced it read in this way—
remove such clerk for neglect of duty, malfeasance in office, or inefficiency.

However, when we had the matter under consideration by the whole committee, having had suggestions, I may say, from some of the judges, the committee concluded to adopt the language which has been reported in the bill under consideration by way of amendment, so that the President shall have the power to remove such clerk for misappropriation of any moneys coming into his hands as such clerk or for other malfeasance in office. I may say that my attention has been called to the necessity for this legislation in several ways. I need not specify them here, but the information has come to me that there are about 20 clerks or more who have moneys in their hands for which they have refused to account. In other words, it seems that some of them have misappropriated—perhaps embezzled—money in their hands, and there is no power resting in the President of the United States to remove them for that reason. This bill simply enlarges the present law, so that in such cases where the clerk has failed to properly account for money, or has misappropriated money, or has money in his hands which he fails to turn over, the President can remove the clerk from office.

Mr. OLMSTED. Mr. Speaker, will the gentleman yield for a question?

Mr. CLAYTON. Certainly.

Mr. OLMSTED. I notice that the bill as originally introduced by the gentleman from Alabama provided that a clerk might be removed for neglect of duty or for inefficiency, but those provisions are proposed to be stricken out. How, then, will a clerk be disposed of if neglectful of duty or inefficient?

Mr. CLAYTON. This is a matter which is left with the judge. The judge can remove him for neglect of duty and for inefficiency. The President can remove him under existing law if he neglects to make any report, certificate, statement, or other document required by law to be made by him. That leaves his removal for mere neglect of duty or inefficiency, whatever that may mean, with the judge, as it is left with him now. By this bill we merely add this provision to the law, that the President may remove the clerk for misappropriation of any moneys coming into his hands as such clerk and for other malfeasance in office.

Mr. OLMSTED. Can not the judge now remove him for misappropriation of funds?

Mr. CLAYTON. The judge can; but the President called the attention of Congress to the difficulty in his message, which I read and which I hope the gentleman heard.

Mr. OLMSTED. I am quite in favor of that; but I would like to extend the power so that he might remove for neglect of duty or for inefficiency, as the gentleman provided in his bill as originally drawn.

Mr. CLAYTON. Mr. Speaker, I will say that the committee unanimously agreed to the bill as presented here in the report, and therefore I can not agree to the suggestion which has just been made by the gentleman from Pennsylvania.

Mr. OLMSTED. I think the gentleman's bill was better before the committee amended it.

Mr. CLAYTON. Perhaps so. It was more far-reaching, but the committee was not willing to go that far; and I may say that the committee was informed of the views of the Department of Justice, and was also informed of the views of some of the judges in respect to the matter. The committee thought that perhaps "neglect of duty" or "inefficiency" were terms subject to too much latitude of construction, and thought it safer and better to meet the exigency to which the President of the United States called attention in his message, viz, cases where the clerks have money in their hands or have embezzled money and have not been removed, and so framed the law as to have it fit the specific evil which the President mentions in his message of December 21.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield?
Mr. CLAYTON. Certainly.

Mr. GOLDFOGLE. Mr. Speaker, it was very difficult to hear over here while the chairman of the Committee on the Judiciary was addressing the House. I want to say that I understood the gentleman from Alabama [Mr. CLAYTON] to say that there were a number of cases which came to the attention of some of the authorities showing that there was a withholding of public moneys by clerks of courts, and that there were cases of embezzlement in the Federal courts by clerks. Is that so?

Mr. CLAYTON. Yes; and the President called attention to it in his message of December 21 last, an excerpt from which I have just read to the House.

Mr. GOLDFOGLE. What I want to know is this: Does the gentleman from Alabama know any reason why the Department of Justice did not request the judge to remove the clerk who had embezzled moneys?

Mr. CLAYTON. Mr. Speaker, in reply to the inquiry made by the gentleman from New York [Mr. GOLDFOGLE], I beg to say that the chairman of the Committee on the Judiciary has no information as to what request the Attorney General may or may not have made of any judge of any Federal court anywhere in respect to the conduct of any particular clerk. The chairman of the Committee on the Judiciary knows that his attention was directed to this matter by the message of the President of the United States, sent to Congress on December 21 last. He also knows by communication with the Attorney General that it is alleged there are some clerks who have not accounted for public funds in their hands, and who may have embezzled public funds.

Mr. GOLDFOGLE. They ought to be punished.

Mr. CLAYTON. I thank the gentleman for the suggestion. I may say to the gentleman that I have taken him into my full confidence and given him all the possible information that I have on the subject. I may say that I have given the gentleman the reasons for this legislation. The President is right in his recommendation, the Attorney General was right in his suggestions to me that the legislation was proper; the committee, I think, was right in presenting this bill, and I came to the conclusion that the changes in the modifications suggested to the committee, which are incorporated in the shape of the committee amendments, are proper, and I hope the bill in its present form will pass.

Mr. DAVENPORT. Mr. Speaker, I dislike very much to take issue with the Judiciary Committee or disagree with them upon the proposition, but I am opposed to the provisions of this bill. I am opposed to giving the President of the United States the power to remove an officer whom he does not appoint. I say if the judges who create the district clerks have not the manhood and the moral courage to remove them, pass some kind of a drastic measure that will remove the judges. It is too far from the seat of the court and is giving to the President more power than he should have. Whether any gentleman on this floor agrees with me on that proposition or not, I do say it is a bad law, in my judgment, to pass; it is a bad law to place upon the statute books, whereby the President is given the power to remove a man who is not his appointee. I know in some instances that it has been urged, and I know in some cases the clerks have been influenced by local surroundings, and, in my judgment, that is what this bill will give to the President—the power; and if the clerk does not do as they want him to do in some places they will make some report against him, and upon investigation the clerk will be removed by the President. I say let us give to the power that appoints the clerk the power to remove him.

Mr. CLAYTON. Mr. Speaker, just one word in reply. This does not add anything to the power now vested in the President, except it allows him to remove a clerk from office for misappropriation of moneys coming into his hands as such, or for other malfeasance in office; and I think it is entirely right and proper, and the President states the embarrassment that arises in such cases and why clerks who are embezzlers have not been removed. I think this power can safely be intrusted to the President; I think it could be safely intrusted to any President, and I am sure that it can be intrusted to the present occupant of the White House, and I am sure that it can be intrusted to the next occupant of the White House, whether it is my colleague from Alabama or the present occupant of the Speaker's chair. [Applause.]

The SPEAKER. The Clerk will report the first amendment.
The Clerk read as follows:

In page 2, line 5, strike out the words "neglect of duty" and insert in lieu thereof the words "misappropriation of any moneys coming into his hands as such or for other."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

In page 2, line 6, strike out the words "or inefficiency," so the clause as amended will read: "And the President may also at any time, by like order made after hearing, remove such clerk for misappropriation of any moneys coming into his hands as such or for other malfeasance in office."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CLAYTON, his motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the House of Representatives of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 20111. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5193. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. J. Res. 90. Joint resolution to authorize Capt. John W. Gulick, United States Army, to accept a position under the Government of the Republic of Chile; and

S. 5718. An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 5193. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. J. Res. 90. Joint resolution to authorize Capt. John W. Gulick, United States Army, to accept a position under the Government of the Republic of Chile; to the Committee on Military Affairs.

S. 5718. An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes; to the Committee on the Public Lands.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 17671. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors.

DAM ACROSS WHITE RIVER, COTTER, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20347) to construct a dam across White River at or near Cotter, Ark.

The Clerk read as follows:

Be it enacted, etc., That the Dixie Power Co., a corporation organized under the laws of the State of Arkansas, with principal offices in the city of Little Rock, Ark., its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the White River at or near the town of Cotter, Ark., in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the amendments.

The Clerk read as follows:

Page 1, lines 4 and 5, strike out the words "with principal offices in the city of Little Rock, Ark."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 1, line 7, after the word "river," insert the words "at a point suitable to the interests of navigation."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read:

To authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.

On motion of Mr. ADAMSON, his motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF WINNEBAGO INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18849) for the relief of the Winnebago Indians of Nebraska and Wisconsin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, when the amount of tribal funds due the Winnebagoes in Wisconsin shall have been ascertained, in accordance with the enrollment made by him under the provisions of the act of March 3, 1909 (35 Stat. L., 798), to expend said funds for their benefit in such manner, including the purchase of lands for said Indians, as he may deem proper, or, in his discretion, to distribute said funds, or any part thereof, per capita among said Indians: *Provided*, That in adjusting the present indebtedness of the Nebraska branch of the tribe to the Winnebago branch of Wisconsin the Secretary is hereby authorized to deduct from the share of the trust funds of the Nebraska Winnebagoes such amount as may be found due the said Wisconsin branch and to transfer the amount so deducted to the credit of the Winnebagoes belonging to the Wisconsin branch of the tribe.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have a statement in regard to the bill.

Mr. STEPHENS of Texas. Has the gentleman from Illinois a special question which he wishes to ask concerning this bill?

Mr. MANN. No.

Mr. STEPHENS of Texas. I desire to state, Mr. Speaker, that the Winnebago Indians reside partly in Nebraska and partly in Wisconsin. There are two bands of them. These Indians in 1909 had their funds capitalized, the total sum coming to the two bands of Indians being \$883,000. It becomes necessary for the Secretary to ascertain the number of Indians in Nebraska separately from those which are in the State of Wisconsin, so that after he makes this allotment it can be made per capita to each band of Indians separately, and after this is ascertained there will be no trouble in making a per capita payment under the bill, already passed, allotting to them \$883,000.

Mr. ESCH. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Wisconsin?

Mr. STEPHENS of Texas. Certainly.

Mr. ESCH. I understand that the Secretary of the Interior has transmitted to you, as chairman of the committee, a proposed amendment requiring the enrollment of both branches of the tribe before this becomes operative?

Mr. STEPHENS of Texas. That is true; and the amendment is embodied in the bill.

Mr. MANN. I think it is not embodied in the bill.

Mr. ESCH. Not as I heard the bill read from the desk.

Mr. STEPHENS of Texas. I do not know what amendment the gentleman refers to. The gentleman from Nebraska [Mr. STEPHENS], the author of the bill, will explain it.

Mr. STEPHENS of Nebraska. Mr. Speaker, I will say in answer to the question of the gentleman from Wisconsin [Mr. ESCH] that the amendment to which he refers is not the amendment that was originally provided 8 or 10 years ago. Is this a recent matter?

Mr. ESCH. A recent matter, I understand. It has been transmitted by the Commissioner of Indian Affairs to the Secretary of the Interior within the last few days. I supposed it had been received by the chairman of the Committee on Indian Affairs. The point is this: There has been an enrollment of the census made of the Wisconsin branch for 1910; there has been no enrollment of the census of the Nebraska branch since 1881. The Indian Office states that there will be a census of the new branch of the tribe as of June 20, this year, before there shall be an allotment of these trust funds. I think the gentleman will realize the propriety of such an amendment in view of the difference of time in the censuses of the two branches of the tribe.

Mr. STEPHENS of Nebraska. I will be glad to have the gentleman offer his amendment. I have not heard from the Commissioner on Indian Affairs, and I will be glad to have the gentleman offer his amendment for consideration.

Mr. ESCH. I have not the amendment.

Mr. MANN. I will suggest to the gentleman from Nebraska [Mr. STEPHENS] that if it goes off the calendar to-day it could be replaced on the calendar a week from Monday.

Mr. STEPHENS of Nebraska. That will be perfectly satisfactory.

Mr. MANN. Without objecting to the consideration of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object for the reasons which I have stated.

The SPEAKER. The bill will be stricken from the calendar.

EXHIBIT AT CORN EXPOSITION, COLUMBIA, S. C.

The next business on the Calendar for Unanimous Consent was the House concurrent resolution No. 36, authorizing the Secretary of Agriculture to make an exhibit at the Fifth National Corn Exposition at Columbia, S. C.

The Clerk read the resolution, as follows:

House concurrent resolution 36.

Resolved, etc., That the Secretary of Agriculture be, and he is hereby authorized to make such exhibit as may be convenient and practicable at the Fifth National Corn Exposition, to be held at Columbia, S. C., January 27 to February 9, 1913.

Also the committee amendments were read.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none. The Clerk will report the first amendment.

The Clerk read as follows:

Page 1, line 5, strike out the word "at" and insert in lieu thereof the word "in."

The question was on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 1, line 7, add the following:

Provided, That the Secretary of Agriculture shall make such arrangements with the proper officers of the said exposition that the Department of Agriculture shall be at no expense for transportation of said exhibit to and from the exposition: *Provided further*, That the Secretary of Agriculture shall also make such arrangements with the proper authorities of said exposition that there shall be no expense to the department for any breakage or damage that may occur to the exhibit, nor for the living expenses of such appointees as he may see fit to send to said exposition to demonstrate the exhibit sent."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended House concurrent resolution.

The resolution was ordered to be engrossed and read a third time.

Mr. MANN. Mr. Speaker, I suggest to the gentleman that it ought to be a joint resolution instead of a concurrent resolution.

Mr. LEVER. I will say to the gentleman that I submitted it to the Secretary of Agriculture, and he thought it ought to be a concurrent resolution. I do not suppose it makes any particular difference.

Mr. MANN. Of course, it may be that the Secretary of Agriculture now has the authority to do this, but it is perfectly plain that this does not confer the authority upon him.

Mr. LEVER. I will say to the gentleman from Illinois that the Secretary of Agriculture now thinks he has authority.

Mr. MANN. Let us make it a joint resolution. It is just as easy and will be in better form.

Mr. LEVER. Mr. Speaker, at the suggestion of the gentleman from Illinois I am quite willing to make this a joint resolution instead of a concurrent resolution, and I ask that that may be done.

The SPEAKER. If the gentleman will offer a proper amendment it can be changed.

Mr. MANN. It should be made to read, "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled," a joint resolution.

Mr. LEVER. I move, Mr. Speaker, to strike out "concurrent" and insert "joint."

The SPEAKER. The Clerk will read the amendment to amend the enacting clause.

The Clerk read as follows:

Amend the enacting clause in lines 1 and 2 so as to read:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. LEVER. Mr. Speaker, the title should be changed also.

The SPEAKER. That can be done afterwards. The question now is on the engrossment and third reading of the House joint resolution (No. 276).

Mr. McLAUGHLIN. Mr. Speaker, I would like to ask the author of the resolution a question. Is it intended that the

authorities or the association that is giving this exposition shall be responsible and repair any breakage or damage that may be done to the exhibit?

Mr. LEVER. That is the understanding.

Mr. McLAUGHLIN. The resolution does not so provide. It simply says in effect that the department shall be put to no expense on account of any breakage or damage, but it does not say that the association or the officers of the exposition shall make the breakage or damage good.

Mr. LEVER. Let me call the gentleman's attention to this language:

That the Secretary of Agriculture shall make such arrangements with the proper officers of the said exposition that the Department of Agriculture shall be at no expense for transportation of said exhibit to and from the exposition: *Provided further*, That the Secretary of Agriculture shall also make such arrangements with the proper authorities of said exposition that there shall be no expense to the department for any breakage or damage that may occur to the exhibit nor for the living expenses of such appointees as he may see fit to send to said exposition to demonstrate the exhibit sent.

Of course, under that authority the Secretary of Agriculture would have the right to require the exposition authorities to give bond for the security of those things.

Mr. McLAUGHLIN. If that is the construction, that would be all right, but it did not seem to me probable that that would be the construction.

Mr. MANN. A bond or deposit could be given.

Mr. McLAUGHLIN. If a bond or deposit should be made or required it would be all right, but I question if that would be required under this language.

Mr. LEVER. I think the Secretary has full authority to do that and would do so in practice.

The SPEAKER. The question is on the engrossment and third reading of the amended House joint resolution.

The joint resolution as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question now is on the passage of the joint resolution.

The question was taken, and the joint resolution was passed.

The title was amended so as to read: "Joint resolution authorizing the Secretary of Agriculture to make an exhibit at the Fifth National Corn Exposition, at Columbia, S. C."

On motion of Mr. LEVER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ISLANDS GRANTED TO WISCONSIN FOR FORESTRY PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13417) granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes.

The Clerk read the bill, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, directed to cause patents to issue to the State of Wisconsin for the unsurveyed and unattached islands in inland lakes north of the township line between townships 33 and 34 north, fourth principal meridian, as additions to the State forest reserves. The islands hereby granted shall be used as additions to the forest reserves only, and should the State of Wisconsin abandon the use of said islands for such purpose, alienate or attempt to alienate or use the same or any part thereof for purposes other than that for which granted, the same shall revert to the United States.

Also the following committee amendments:

Amend, page 1, by striking out, in lines 3 and 4, the words "the Secretary of the Interior be, and he is hereby, directed to cause patents to issue to the State of Wisconsin for the."

Amend by inserting after the word "meridian," in the seventh line, the following: "be, and the same are hereby, granted to the State of Wisconsin."

Amend by striking out the first two words in line 9 and inserting in place thereof the words "that State's."

Amend, page 2, by striking out, in lines 1, 2, and 3, the following: "alienate or attempt to alienate or use the same or any part thereof for purposes other than that for which granted."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the first committee amendment.

Mr. FOSTER of Illinois. Mr. Speaker, I think we would have to go into Committee of the Whole to consider this bill.

Mr. MORSE of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin [Mr. MORSE] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the first amendment. The Clerk read as follows:

Amend, page 1, line 3, by striking out, after the word "the," in line 3, the following words: "Secretary of the Interior be, and he is hereby, directed to cause patents to issue to the State of Wisconsin for the."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, line 7, by inserting, after the word "meridian," the following words: "be, and the same are hereby, granted to the State of Wisconsin."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will read the next committee amendment.

The Clerk read as follows:

Amend, line 9, by striking out the words "the State" and inserting the words "that State's."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 2, lines 1, 2, and 3, by striking out the following: "alienate or attempt to alienate or use the same or any part thereof for purposes other than that for which granted."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MORSE of Wisconsin. Mr. Speaker, in order to make the language a little more definite and certain, I offer the following amendment: In line 7, after the word "north," insert the words "of the."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

In line 7, after the word "north," insert the words "of the."

Mr. RAKER. Mr. Speaker, I would like to ask the gentleman from Wisconsin at what place it is desired to insert that amendment?

Mr. MORSE of Wisconsin. After the word "north," in line 7, page 1. The gentleman from Wyoming [Mr. MONDELL] suggested that it would make it more definitely certain to add the words "of the," so that it would read "north of the."

Mr. RAKER. That is all right.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. MORSE].

The question was taken, and the amendment was agreed to.

Mr. MORSE of Wisconsin. Mr. Speaker, one more amendment. After the word "meridian," in line 7, insert the words "in the State of Wisconsin."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

After the word "meridian," in line 7, insert the words "in the State of Wisconsin."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Speaker, inasmuch as I think I am perhaps responsible, from a rather hurried reading of the bill, for one of the amendments offered, I want to move, with the consent of the gentleman from Wisconsin [Mr. MORSE], to reconsider the amendment just adopted for the insertion of the words "of the," and to strike out of the bill the words "fourth principal meridian."

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] moves to reconsider the vote by which the amendment consisting of the words "of the" was adopted. The question is on agreeing to that motion.

The motion was agreed to.

Mr. MONDELL. I move, Mr. Speaker, to strike out the words "fourth principal meridian."

The SPEAKER. Does the gentleman desire the words "of the" to stay in?

Mr. MONDELL. No. They should be stricken out, and the words "fourth principal meridian" should be stricken out.

Mr. MANN. As the language reads, of course, it is incorrect. I would like to ask the gentleman if it is necessary to insert the range?

Mr. MONDELL. It is not necessary to insert the range, because if you say "north" of a certain township line, that is north of the township line running north through the State, and inasmuch as it is not in the bill, the provision that should apply to the range should not be in the bill.

Mr. McLAUGHLIN. Mr. Speaker, the word "township" should not be used, in my judgment. It should be the word "town." The town is surveyed 6 miles square. The township is the municipal organization. There may be a town without

a township. A township may include a number of towns, as is evidently the case in the part of Wisconsin to which this bill relates. So that this word should be "town" and not "township," and I think that the word "range" should be there.

Mr. MANN. But the word "range" is not there.

Mr. McLAUGHLIN. It is not there, but it should be.

Mr. MANN. In our part of the country we use the word "township" for the Government surveys.

Mr. McLAUGHLIN. It is not strictly proper, as I understand it.

Mr. MONDELL. All public-land surveys are by townships.

Mr. MANN. And so described in the patent.

Mr. MONDELL. And the language is correct, if the words "of the" are stricken out.

The SPEAKER. The Chair will suggest to the gentleman from Wisconsin [Mr. MORSE] that he withdraw his amendment containing the words "of the."

Mr. MORSE of Wisconsin. I ask unanimous consent to withdraw the amendment with the words "of the."

The SPEAKER. The gentleman has a right to do that without unanimous consent.

Mr. MANN. That was reconsidered.

The SPEAKER. The motion to reconsider prevailed, and that left the amendment pending. It should either be voted upon or withdrawn.

Mr. MORSE of Wisconsin. I withdraw it.

The SPEAKER. The gentleman from Wisconsin [Mr. MORSE] withdraws that amendment. The question now is on the amendment of the gentleman from Wyoming [Mr. MONDELL], which the Clerk will report.

The Clerk read as follows:

Amend, in line 7, by striking out the words "fourth principal meridian."

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. MORSE of Wisconsin, a motion to reconsider the last vote was laid on the table.

COAL LANDS ON FORT BERTHOLD INDIAN RESERVATION, N. DAK.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 263) to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal.

The joint resolution was read, as follows:

Resolved, etc. That allotments to the Indians of the Fort Berthold Indian Reservation, in the State of North Dakota, authorized by section 2 of an act entitled "An act to authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Indian Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect," approved June 1, 1910, may be made of lands classified as coal lands or valuable for coal: *Provided*, That the coal in such lands shall be reserved and remain subject to future disposition by Congress.

With the following committee amendments:

After the word "coal," in line 12, strike out all down to and including the word "Congress," in line 14, and insert in lieu thereof the following:

"with a reservation, however, in any patent which may issue upon any such allotment of the coal deposits in the lands allotted, and of the right to prospect for, mine, and remove the same: *Provided*, That when such deposits are by Congress opened for disposition, any qualified coal claimant may enter upon these allotted lands for the purpose of prospecting for coal only after the approval by the Secretary of the Interior of a bond or undertaking given by such prospector as security for the payment of all damages occasioned by reason of such prospecting."

The SPEAKER. Is there objection?

Mr. COOPER. Reserving the right to object, I should like to hear a statement from the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, this bill was introduced by the gentleman from North Dakota [Mr. HANNA]. It has been recommended by the department. The gentleman from North Dakota can explain the bill.

Mr. HANNA. Mr. Speaker, about two years ago Congress passed a bill opening a part of the Fort Berthold Indian Reservation, in North Dakota, for settlement, and it provided that where there was any coal on the land that land should neither be allotted nor be opened to settlement until Congress should otherwise provide. Allotments were given to the Indians on lands in certain parts of the reservations, and later, when the Geological Survey made a survey of the lands, they found that there was lignite coal under some of it, and particularly where the Indian allotments had been made. The Indians have agreed to take surface title to the land, with the coal underlying it reserved, and this resolution is simply to allow the allotments

to be made to the Indians of the lands which they have taken as allotments and on which many are already living and where they have made improvements, with the coal reserved and subject to the future action of Congress, for such disposition of the coal as Congress may see fit.

The bill has the strong indorsement of the Secretary of the Interior and of the Indian Department.

Mr. COOPER. The resolution as originally introduced contained the following proviso:

Provided, That the coal in such lands shall be reserved and remain subject to future disposition by Congress.

What is the effect of striking that out and substituting the amendment which is proposed?

Mr. HANNA. I will say to the gentleman from Wisconsin, in reference to that matter, that the original act for the opening of the reservation provided that both the coal and the coal lands should be reserved, but the Indians have taken their allotments on some of these lands where there is lignite coal, and the amendment which we have adopted provides that there shall be a reservation in the Indian patents of the coal deposits in the land allotted and of the right to prospect and to mine, and that this clause shall be in every patent issued to the Indians.

Mr. BURKE of South Dakota. If the gentleman will permit me to give him a little information, I will say that the language in the bill left the matter so that there could be no law by which any prospecting could be made on these lands preliminary to mining, and we simply adopted the language that has been used in other bills with reference to the disposition of the surface of lands, and provided that the coal should be reserved; and then provided, as the gentleman will observe, if he reads the amendment, that there may be prospecting done.

Mr. MANN. I do not understand that this bill proposes to repeal the language of the former act reserving this for future disposition by Congress.

Mr. BURKE of South Dakota. Not at all.

Mr. COOPER. That was the thought I had in mind, which is suggested by the gentleman from Illinois, whether this amendment in any way modifies the act.

Mr. BURKE of South Dakota. Not at all.

Mr. MANN. I think not.

Mr. COOPER. Are gentleman positive about it?

Mr. MANN. I am as far as I am concerned, because I went over it with the idea in view to see whether it did make any change. The coal will still be reserved. The title to the coal does not pass. Congress has control of that, and has not yet decided what shall be done with it.

Mr. COOPER. That is what I had in mind, whether it made any modification in that respect.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BURKE of South Dakota. Mr. Speaker, this bill is on the Union Calendar, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the first amendment.

The Clerk read as follows:

Page 2, line 1, strike out the colon and the words "*Provided*, That the coal in such lands shall be reserved and remain subject to future disposition by Congress," and insert in lieu thereof the following: "with a reservation, however, in any patent which may issue upon any such allotment of the coal deposits in the lands allotted, and of the right to prospect for, mine, and remove the same: *Provided*, That when such deposits are by Congress opened for disposition, any qualified coal claimant may enter upon these allotted lands for the purpose of prospecting for coal only after the approval by the Secretary of the Interior of a bond or undertaking given by such prospector as security for the payment of all damages occasioned by reason of such prospecting."

Mr. MANN. Mr. Speaker, in the amendment, after the word "allotment," in line 4, there should be inserted a comma. I move to amend by inserting the comma, as it makes a material difference.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HANNA, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

CALAVERAS BIG TREE NATIONAL FOREST.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 12211) to amend the act of February 18, 1909 (35 Stat. L., 626), entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes."

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of February 18, 1909 (35 Stat. L., 626), entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes," be amended as follows:

*Omit therefrom the portion of the act beginning with the word "any" at the end of the twelfth line on page 627 thereof to and including the word "or" in the twentieth line of said page, and substitute therefor the following: "one or both of the following ways: (1) They may be given the right to file with the Secretary of the Interior, within 60 days after such conveyance, selections of surveyed, unappropriated, nonmineral public lands or of nonmineral national forest lands, and if the lands so selected shall be found subject to selection and of a value substantially equal to that of the lands conveyed they may be patented to said owners in lieu of the conveyed lands: *Provided, however,* That in any case where any part of the lands selected is national forest land the approval of the Secretary of Agriculture shall first be secured with respect to such part, or (2)."*

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000, or so much thereof as may be necessary, for the purposes of fully carrying out the provisions of this act.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from California asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Page 2, line 8, strike out the letter "a" and insert the words "the actual."

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from California whether he has concluded to do anything further about the amendments on the lines that I recently suggested to him?

Mr. RAKER. I will say to the gentleman from Illinois that I took this matter up personally with the Secretary of the Interior and the solicitor for the Secretary of the Interior, and we discussed particularly the matter that was taken up between the gentleman from Illinois and myself. The solicitor said that it was clearly sufficient to cover the point suggested, as the bill provided for the exchange of nonmineral national forests, and that that of itself gave the authorization and was not subject to the objection that it might not be perfected because it was not a homestead, or something of that kind, but would apply to the provisions of this act and permit its provisions to be carried out.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was considered and agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

On page 2, line 9, after the word "value," add the following words, viz. "in lands and stumpage."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 10, after the word "lands," insert the words "and stumpage."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 11, strike out the colon after the word "lands" and also the following words: "*Provided, however,* That in any case where any part of the land selected is national forest land the approval of the Secretary of Agriculture shall first be secured with respect to such part."

Mr. MANN. Mr. Speaker, does not the gentleman from California think that we might well leave this language in the bill?

Mr. RAKER. Mr. Speaker, I want to say that this particular matter was discussed by the committee, and personally I thought it ought to remain in the bill. But after looking over the act that we are amending, which provides that all the selections and all the change must be made by and with the consent of the Secretary of Agriculture, I thought it might go out. But personally I would have no objection to leaving it in. It was left out because it would make the bill shorter.

Mr. MANN. It does not add very much to the length of the bill, and, if there is any possible doubt about it, it ought to remain. I read the law, and I was not certain that it was absolutely clear that the Secretary would still have the veto power over the selection of the national forests. I do not believe that we ought to permit a selection to be made in a national forest without the approval of the Secretary of Agriculture.

Mr. RAKER. I agree with the gentleman fully; but the act now provides that when an exchange is made it can not be done without the approval of the Secretary of Agriculture. That was stricken out solely upon the ground that it is repetition.

Mr. MANN. Mr. Speaker, I think it is safer to leave it in the bill. I have read the law through, and I think this ought to be left in the bill.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. MONDELL. This bill is an amendment of a portion of an act. This amendment goes into the body of the act, and therefore must fit in the body of the act. Following this proviso is the word "or" and the numeral "2." They belong after the word "part," which precedes the proviso.

Mr. MANN. They are not in the law, but they will be when this goes in.

Mr. MONDELL. They must be in the law or the law will not mean anything, and this amendment will not mean anything. This proviso can not be inserted at this point at any event and have an amendment that fits in the statute. If it seemed advisable to put a proviso of this sort at the end of section 2, or at some other point, there might be no objection to it, but that is not necessary, as the act itself very clearly puts this entire matter in the hands of the Secretary of Agriculture.

Mr. RAKER. Mr. Chairman, will the gentleman from Wyoming yield?

Mr. MONDELL. Certainly.

Mr. RAKER. Does not the act as it now stands so arrange it that no exchange can be made without the approval of the Secretary of Agriculture?

Mr. MONDELL. Very clearly.

Mr. RAKER. Then this provision would not be necessary.

Mr. MONDELL. And in any event this provision must go out at this point or the amendment is not harmonious. It does not fit into the statute.

Mr. MANN. Mr. Speaker, I think the gentleman is entirely wrong about that. The proviso could be inserted in any part of the law. I took the trouble to read the law to which this is an amendment, and I read the law through. While I will not dispute with the gentleman or the committee that the Secretary of Agriculture would still have to approve the exchange before it was made out of a national forest, yet after reading the law and comparing this bill with it I thought there was doubt about his authority.

Mr. RAKER. Mr. Chairman, I would rather have it in, if there is any doubt. I want the bill in proper language, so there can be no doubt as to its being freely carried out by the department and good title pass both ways to and from the Government, and this bill will do it. That is its special purpose, and the department has been consulted to this end.

Mr. MANN. This purports to leave it absolutely to the Secretary of the Interior, as far as this proposition is concerned. I do not think it will hurt to inject this at this point in the form of a proviso.

Mr. MONDELL. Mr. Speaker, it does not make a particle of difference to me, but if the gentleman had read the bill as carefully as I have, and had considered it as carefully as has the committee, he would agree that this proviso, put in at this point, disconnects the amendment. The proviso could be added somewhere else, if necessary, but it is not necessary, because the bill specifically provides for the exchanges under the Secretary of Agriculture.

Mr. MANN. Mr. Speaker, I will not say that I read the law as carefully as the gentleman or as carefully as the committee, but I read the law through, and I doubt whether any member of the committee did.

Mr. MONDELL. I do not think it ever occurred to the gentleman until it was suggested to him—

Mr. MANN. By whom?

Mr. MONDELL. That, whatever might be the propriety of the proviso, it should not be inserted at this point.

Mr. MANN. It can be properly inserted at this point. It is perfectly proper to insert it at this point, and that is the only place you can insert it in this bill.

Mr. RAKER. Then let us permit it to remain there.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The question now is on the engrossment and third reading of the amended House bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

FEDERAL BUILDING, HOUSTON, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1647) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes."

The Clerk read the bill, as follows:

Be it enacted, etc., That the last proviso of section 20, chapter 3916, Thirty-fourth United States Statutes at Large, "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and which proviso reads as follows: "Provided further, That upon the completion of the building herein authorized to be constructed the Secretary of the Treasury shall proceed by due and proper advertisement, and under such regulations, conditions, and stipulations as he may prescribe, or as Congress may hereafter direct, to sell to the highest bidder the present building and site upon which it is located, in Houston, Tex., now owned by the United States Government and now used and occupied as a post office, courthouse, customhouse, and for other governmental purposes, and deposit the proceeds thereof into the Treasury of the United States," be, and the same is hereby, repealed.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. It seems to the Chair that while this bill is on the House Calendar, it properly belongs on the Union Calendar.

Mr. BURNETT. Then, Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the bill for amendment under the five-minute rule.

The Clerk again read the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BURNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOMESTEADS, WIND RIVER RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16101) providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming.

The Clerk proceeded to read the bill.

Mr. MONDELL (interrupting the reading). Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole, and that the first reading of the bill be dispensed with.

Mr. FOSTER of Illinois. Mr. Speaker, I think we ought to have the bill read.

The SPEAKER. The Chair thinks the better practice is to have the bill read through, to see if anybody has any objection to its present consideration. After the bill is read the Chair will then put the gentleman's request.

The Clerk read the bill, as follows:

Be it enacted, etc., That all persons who prior to the passage of this act have made valid homestead entry on the ceded portion of the Wind River Reservation in Wyoming and establish residence thereon in good faith, but who through no fault of their own were unable to secure water for the irrigation of their lands, shall be granted patent for their lands upon payment of the Indian price for the land and without the necessity of proving continuous residence thereon.

With the following amendment:

Strike out all after the enacting clause and insert:

"That any person who, prior to December 16, 1911, made homestead entry on the ceded portion of the Wind River Reservation in Wyoming, and has not abandoned the same, and who has been unable to secure water for the irrigation of the lands covered by his entry, may secure title to the same upon the submission of satisfactory proof that he has established and maintained actual bona fide residence upon his land for a period of not less than eight months and upon payment of all sums remaining due on said land as provided for by the act of March 3, 1905."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The gentleman from Wyoming asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the bill for amendment under the five-minute rule.

The Clerk again read the bill.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

DAM ACROSS MISSISSIPPI RIVER, STEARNS COUNTY, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19071) granting an extension of time to the St. Cloud Electric Power Co. to construct a dam across the Mississippi River.

The Clerk read as follows:

Be it enacted, etc., That the time for the completion of the dam by the St. Cloud Electric Power Co., authorized by the act entitled "An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota," approved June 28, 1906, is hereby extended to three years from the date of the passage of this act.

Sec. 2. That the construction, maintenance, and operation of the dam herein authorized shall be in all respects in accordance with and subject to the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the amendments.

The Clerk read as follows:

Strike out, on page 1, line 11, the word "herein" and insert in lieu thereof the word "therein."

On page 1, line 11, after the word "authorize," insert the words "by the aforesaid act."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

IMPORTATION AND MOVEMENT OF PLANTS, FRUITS, AND VEGETABLES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21291) to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes.

The bill was read.

The SPEAKER pro tempore (Mr. CLAYTON). Is there objection to the present consideration of the bill?

Mr. MURRAY. Mr. Speaker—

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I want to say that a casual examination of the bill develops that it is a bill of exceeding importance, far-reaching in its provisions, and a step in the direction of Federal control, which grants great power to the Secretary of Agriculture, and I do not think that it is a bill to be considered under the unanimous-consent rule to-day. It is a bill carrying a large appropriation; it is a bill that, in my judgment, ought to be amended before it is passed, even if Congress has the power to enact this sort of a bill. I merely wanted to reserve the right to object so that anyone, the author of the bill, or some one else—

Mr. LAMB. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Georgia yield to the gentleman from Virginia?

Mr. BARTLETT. In a moment. I want to state to the Chair and to the House that, so far as I am concerned, I am not satisfied to allow a bill of this character, a bill of this importance, and the vesting of this great power in the Secretary of Agriculture, to pass by unanimous consent, and while I shall reserve the right to object I will reserve it so that anyone who desires may make a statement about it, but I propose in the end to object.

Mr. MURRAY. Mr. Speaker, I, too, desire to reserve my right to object and shall listen to the explanation of the chairman of the committee or other Members with regard to the purposes of the bill.

Mr. LAMB. Mr. Speaker, let me say, when this bill is explained these gentlemen will withdraw their objection, and the gentleman of the committee who is in charge of this bill, Mr. SIMMONS, of New York, will make an explanation of the bill, to which I hope the House will give patient attention.

Mr. Sisson. Mr. Speaker, in view of the statement made by the gentleman from Georgia and the gentleman from Massachusetts, I think it would be a useless consumption of time, and therefore I object.

Mr. MANN. I suggest to the gentleman that he reserve his objection for a moment.

Mr. Sisson. Mr. Speaker, in view of the fact that these gentlemen are going to object, anyway, I do not like to have the time of the House taken up, and therefore I object.

Mr. LAMB. I do hope the gentleman will withdraw his objection.

The SPEAKER pro tempore. Objection is made; and, under the rule, the bill will be stricken from the calendar, and the Clerk will report the next bill.

RELIEF OF DESERT-LAND ENTRYMEN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20491) authorizing the Secretary of the

Interior to grant further extension of time within which to make proof on desert-land entries.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior may, in his discretion, grant to any entryman under the desert-land laws a further extension of the time within which he is required to make final proof: *Provided*, That such entryman shall, by his corroborated affidavit filed in the land office of the district where such land is located, show to the satisfaction of the Secretary that because of unavoidable delay in the construction of irrigation works intended to convey water to the land embraced in his entry he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time limited therefor; but such extension shall not be granted for a period of more than three years, and this act shall not affect contests initiated for a valid existing reason.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have the gentleman from Colorado [Mr. TAYLOR], in charge of the bill, explain just what this does.

Mr. TAYLOR of Colorado. Mr. Speaker, I shall be glad to do so. The desert-land law requires an entryman to clear, break, cultivate, irrigate, reclaim, and prove up on his land within four years after the date of his filing. At the time the desert-land law was originally enacted it was believed that four years would be long enough within which to require entrymen on the public domain to reclaim their land and make final proof. In those days there were large tracts of public land that could be readily cleared and easily irrigated. In many cases only short ditches were required, and their construction and the reclamation of the lands involved comparatively little expense. But practically all of those lands that were readily reclaimed and irrigated have been entered years ago. The lands that are now being taken up under the desert-land law are most of them far from the source of water supply and exceedingly difficult to irrigate. In fact, most of the land can only be irrigated by means of exceedingly expensive irrigation projects, including long canals and large reservoirs, many of which cost millions of dollars and require many years to construct. The result is that the desert-land entryman under those large projects and some under many of the smaller projects have been absolutely unable to get water to their land within the four years allowed by the original law. To relieve that situation and prevent the entrymen from losing their claims and all of their improvements, Congress passed the act of March 28, 1908 (35 Stat., 52) authorizing the Commissioner of the General Land Office to grant the entrymen an extension of three years within which to make final proof, upon making a showing to him of the good faith of the entryman and the unavoidable delays in the construction of the irrigation works. That act has been of very great benefit in protecting the rights of bona fide settlers throughout the entire West. But it has recently been clearly demonstrated that even that three years' extension beyond the four years allowed by the original law is not long enough. A year ago last month Congress passed the act of February 28, 1911, granting a further extension of time to desert-land entrymen under various irrigation projects in three counties in the State of Washington, and during the month of January, this year, in order to protect a large number of desert-land entrymen under a very extensive irrigation project in Weld and Larimer Counties, Colo., I introduced and secured the passage of the act approved January 26, 1912.

Since the passage of that act I have been appealed to by numerous other entrymen throughout the State of Colorado, as well as from other States in the West, asking why I did not make that act general instead of local, and grant relief to many other equally meritorious desert-land entrymen throughout the United States.

In compliance with those requests, and to make the law general and to allow to all desert-land entrymen an additional three years' extension beyond the seven years, where it is shown to be necessary, I introduced this bill. I presented the matter to the Secretary of the Interior personally, and then had the Public Lands Committee of the House officially refer the bill to that department for report. The Secretary recommended the passage of this general act, instead of Congress passing a large number of local relief bills, as we would otherwise undoubtedly have to do. That is what this bill is intended to accomplish.

Mr. MANN. I quite agree with the gentleman about that. Is this intended to cover any desert-land entry excepting where there is an irrigation project under construction or in view? There might be a man on land where there never was any intention of having irrigation works; and yet there would be, and he could truthfully say that there was, an unavoidable delay in the construction of irrigation works intended to convey water to his land, and certainly would be truthful about it.

Mr. TAYLOR of Colorado. This law would not apply to anybody who is not in good faith trying to get water on his land.

It is intended to relieve entrymen who are unable to secure water because the reservoirs, canals, and ditches, by means of which they expect to secure water, are not completed within the time that the law requires them to show irrigation and reclamation of their lands and make final proof. Neither the Secretary of the Interior nor the Commissioner of the General Land Office has authority to grant a man an extension of time beyond the three years now authorized by law. This law will give the Secretary of the Interior permission to grant a three years' further extension and thereby relieve the entryman from having his rights forfeited with the consequent loss of all of his property and improvements and desert-land rights.

Under the desert-land laws an entryman is required to make annual proof before the land office, showing by his own affidavit and the affidavits of two witnesses that he has actually expended \$1 an acre for every acre of his claim during each year, and if he can not or does not do so, his land is subject to forfeiture. A man can not say that he is or has been unavoidably delayed in the construction of irrigation works if he has not been making any substantial effort and showing good faith in that direction.

Mr. MANN. Well, I do not know. There were a great many entries under the desert-land act before there were any irrigation projects.

Mr. TAYLOR of Colorado. Certainly. There were many desert-land entries made under small ditches before any of these present-day large irrigation projects were contemplated. But these large reclamation enterprises are doing a wonderful work toward the development of the West, and many of them take from 5 to 10 years to complete.

Mr. RAKER. I understand from the bill that if four or five men go out and try to get water for their land and during the first three years should spend at the rate of a dollar an acre upon their tracts, under this bill, they having failed to get the water and having expended their money, acting in good faith as private individuals, would be able to get the extension. So they would not lose their right, whether it was under a reclamation project by a corporation, or there were only four or five men interested in the construction of the ditch by which they expected to irrigate their desert-land claims?

Mr. TAYLOR of Colorado. This bill does not say anything about reclamation projects or any other particular kind of irrigation projects. It is intended to grant relief to all desert-land entrymen where, "because of unavoidable delay in the construction of irrigation works intended to convey water to the land embraced in his entry he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time limited therefor."

I have drafted this bill in almost the identical language of section 3 of the act of March 28, 1908 (35 Stat., 52). So that both under that act and under this bill all desert-land entrymen who can make a showing of good faith and unavoidable delay are entitled to the extension upon making proper application. Under the act of 1908 the entryman must apply to the Commissioner of the General Land Office, while under this act he must apply to the Secretary of the Interior.

The bill as recommended by the Public Lands Committee and the Secretary of the Interior, and in the form I have reported it and ask to have it passed, reads as follows:

Be it enacted, etc., That the Secretary of the Interior may, in his discretion, in addition to the extension authorized by existing law, grant to any entryman under the desert-land laws a further extension of the time within which he is required to make final proof: *Provided*, That such entryman shall, by his corroborated affidavit filed in the land office of the district where such land is located, show to the satisfaction of the Secretary that because of unavoidable delay in the construction of irrigation works intended to convey water to the land embraced in his entry he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time limited therefor; but such extension shall not be granted for a period of more than three years, and this act shall not affect contests initiated for a valid existing reason: *Provided*, That the total extension of the statutory period for making final proof that may be allowed in any one case under this act, and any other existing statutes of either general or local application, shall be limited to six years in the aggregate.

The report of the Department of the Interior upon the bill is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 4, 1912.

HON. EDWARD T. TAYLOR,
Acting Chairman Committee on the Public Lands,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your request of February 22, 1912, for a report on H. R. 20491 and, in response, to submit the following:

This bill proposes to confer upon the Secretary of the Interior, in his discretion, in addition to extensions authorized by existing law, the authority to grant to entrymen under the desert-land acts a further extension, not exceeding three years, of the period within which final proof on their entries is required, where the entrymen show to the satisfaction of the Secretary that because of unavoidable delay in the construction of irrigation works intended to convey water to the lands embraced

in their entries they are, without fault on their part, unable to comply with the requirements of the law within the time limited therefor.

The act of March 28, 1908 (35 Stat., 52), authorizes the Commissioner of the General Land Office, in his discretion, to grant extensions of the time within which final proofs on desert-land entries are required to be made, not exceeding three years, upon substantially the same terms as this bill, but with the further requirement that the applicant for the benefit of the extension shall show "that he has in good faith complied with the terms, requirements, and provisions" of the desert-land acts.

By the act of February 28, 1911 (36 Stat., 960), the Secretary of the Interior was authorized to grant a further extension of the time for submitting final proof on desert-land entries in the counties of Benton, Yakima, and Klickitat, Wash.; and by the act of January 26, 1912 (public, No. 62), the same authority was given him with reference to the counties of Weld and Laramie, Colo.

The bill under consideration is couched in substantially the same terms as the two special acts above mentioned, except that it is of general, and not merely local, application. These special acts, which met with the approval of this department, were passed because, on account of the unusual magnitude of certain private irrigation projects in the counties referred to and the unavoidable delays incident to the construction of the irrigation works, some of the desert-land entrymen who depended for their water supply upon these projects were, without fault on their part, unable to comply with the law, even within the additional time which could be allowed them under the provisions of the act of March 28, 1908.

Inasmuch as similar conditions may now exist or may hereafter arise in other localities to which the special acts are not applicable, good reason exists in the opinion of this department for the enactment of a general measure which would enable the department to grant similar relief without its being necessary for the parties interested to seek special legislation.

It is suggested, however, that the bill as your committee proposes to amend it would make it possible to allow two further extensions of three years each in those localities in which additional extensions of time have been authorized under the special acts above mentioned. The total period could thus be extended to 13 years from the date of the original entry. In view of the liberal extensions of time provided for by the general act of March 28, 1908 (35 Stat., 52), as supplemented by the provisions of this bill, it is thought that a further amendment should be offered by which the total extension of the statutory period for making final proof that may be allowed in any one case, under this bill and any other existing statutes, of either general or local application, shall be limited to six years in the aggregate. All desert-land claims would thus be placed upon an equal footing.

With such an amendment this department would recommend that the bill be enacted into law.

Very respectfully,

SAMUEL ADAMS,
Acting Secretary.

In the report of the Department of the Interior made December 18, 1911, on my bill, that was applicable only to Weld and Larimer Counties, Colo., the Secretary stated:

While unforeseen engineering difficulties have been met with, which have caused greatly increased cost of construction, which has in turn necessitated additional delay from the difficulty of raising money to finance such increased cost, it is not thought that any good reason exists for canceling entries in which the entrymen have acted in entire good faith, but have not been able, from the difficulties met with by the irrigation company, on which they must depend for water, to irrigate the lands in their entries within the time required by law.

It is therefore recommended that the provisions of this bill be enacted into law.

That is a very succinct statement of the conditions prevailing in a large number of very meritorious and extensive irrigation enterprises throughout the West. At the present time the rights of a large number of bona fide desert-land entrymen are being seriously jeopardized and threatened by reason of the approach of the time when they must make final proof, while the irrigation works from which they must get their water are not yet completed.

In view of the fact that the granting of the extension herein provided for is left entirely within the discretion of the Secretary of the Interior, it is not deemed possible that there can be any fraud or imposition practiced upon the Government, or that the law can in any manner be perverted from its object. Many of the desert-land entrymen in the Western States have expended all the way from \$1,000 to \$10,000 each toward obtaining water for their respective lands, and have already secured the three years' extension of time now allowed under the law, and the entire seven years time is about to expire, and owing to unavoidable delays, through no fault of theirs, it will be utterly impossible for them to secure water and prove up on their claims within the time required by the existing laws. This bill simply grants the Secretary of the Interior discretionary power to extend their time three years.

There can be no doubt but what the passage of this bill will afford a just protection to many deserving settlers on the public lands and tend to the orderly development of the West, and I trust it may meet with the approval of this House.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the first amendment.

The Clerk read as follows:

Page 1, line 4, insert the words:
"In addition to the extension authorized by existing laws."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 7, insert the following after the word "reason": "Provided, That years in the aggregate," as stated in the committee amendment, is six years of extension or six years of total statutory period with the extension.

Mr. MANN. Mr. Speaker, I would like to inquire whether this "six years in the aggregate," as stated in the committee amendment, is six years of extension or six years of total statutory period with the extension.

Mr. TAYLOR of Colorado. This bill will make it possible for an entryman to secure a total extension of six years. The original law allows four years, and then the act of March 28, 1911, authorizes the Commissioner of the General Land Office to extend an entryman's time three years, and this act will hereafter allow the Secretary of the Interior to extend his time beyond that three years three years more, so that the total extensions, whether under that former act or a local statute or any other statute, shall not authorize more than six years' extension in the aggregate, which would mean 10 years from the date of his filing on his claim.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid upon the table.

EXTENSION OF PAROLE LAW.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14925) to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1910.

The Clerk read the bill, as follows:

A bill (H. R. 14925) to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1910.

Be it enacted, etc., That section 1 of the "Act to parole United States prisoners, and for other purposes," approved June 25, 1910, be amended so as to read as follows, to wit:

"That every prisoner who has been or may hereafter be convicted of any offense against the United States and is confined in execution of the judgment of such conviction in any United States penitentiary or prison, for a definite term or terms of over one year, or for the term of his natural life, whose record of conduct shows that he has observed the rules of such institution, and who, if sentenced for a definite term, has served one-third of the total of such term or terms for which he was sentenced, or, if sentences for the term of his natural life, has served one-third of the total of his expectancy of life at the date of his arrival at such penitentiary or prison, to be computed according to the Carlisle mortality tables, but not less than 15 years from such date, may be released on parole as hereinafter provided."

The committee amendments were read.

The SPEAKER pro tempore (Mr. HAY). Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the first amendment.

The Clerk read as follows:

Page 2, line 5, strike out the word "sentences" and insert in lieu thereof the word "sentenced."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Strike out after the word "served," down to and including the words "such date" on line 10, and insert in lieu thereof the words "not less than 15 years."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the last word. As I understand, this bill, stated a little strongly, practically abolishes life punishment.

Mr. CLAYTON. I think the gentleman overstates the case.

Mr. MANN. It does if the man obeys the rules of the prison where he is incarcerated.

Mr. CLAYTON. With the gentleman's permission, I would like to state my views as to what this bill will accomplish. It extends the benefit of the present parole law to a prisoner undergoing a life sentence. Under the law as it now stands a prisoner undergoing life sentence can not have the benefit of any parole. It matters not what facts or what consideration of mercy may exist in his case, how exemplary his conduct may have been, or what other good reason may exist, he can not be paroled.

None of these, nor all of them together, can induce the extension to him of any benefit under the parole law, because he is

under life sentence, and the prison parole law does not apply to a prisoner under life sentence. Now, the present parole law provides—

That every prisoner who has been or may hereafter be convicted of any offense against the United States and is confined in execution of the judgment of such conviction in any United States penitentiary or prison for a definite term or terms of over one year, whose record of conduct shows he has observed the rules of such institution, and who has served one-third of a total of the term or terms for which he was sentenced, may be released on parole, as hereinafter provided.

Now, this law will be changed in accordance with this amended bill so that it will read as follows:

That every prisoner who has been or may hereafter be convicted of any offense against the United States and is confined in execution of the judgment of such conviction in any United States penitentiary or prison for a definite term or terms of over one year, or for the term of his natural life, whose record of conduct shows that he has observed the rules of such institution, and who, if sentenced for a definite term, has served one-third of the total of such term or terms for which he was sentenced, or, if sentenced for a term of his natural life, has served not less than 15 years, may be released on parole as hereinafter provided.

It is to bring the prisoner undergoing life sentence within the operation of this law, if his case merits such favorable consideration. I may say, Mr. Speaker, that the parole board, in its report for 1911, on page 5, stated:

The parole law is limited to prisoners sentenced to definite terms. It is believed by the members of the Federal boards of parole that the law can with good reason be enlarged so as to include prisoners undergoing life sentences. The statutes in some of the States make life prisoners eligible to parole when they shall have actually served a long period of years, and some such plan is recommended for United States prisoners undergoing life sentences. There are some 200 of these prisoners, many of whom have been in prison for many years, whose record prior to conviction was not vicious, and who while in prison have never been reported for any violation of the prison rules.

And the Attorney General of the United States, in his annual report for 1911, on page 73, said on this subject:

I concur in the recommendations made by the boards of parole in their report that the law should be modified so as to include within its provisions prisoners undergoing life sentence by providing, as is done in the statutes of a number of States, that such prisoners shall be eligible to parole when they shall have actually served some long period of years. There are now upward of 200 prisoners serving life sentences in Federal penitentiaries. At present the only hope of a life prisoner, no matter how exemplary his conduct may be, lies in the exercise by the President of the power of Executive clemency. I believe it to be more to the interests of society that such prisoners should be liberated on parole, subject to the supervision and regulation which is possible under the parole law, than that they should be discharged absolutely by Executive pardon.

Now, I hope that the gentleman will not object to this measure.

MR. MANN. It is too late to object, and I had no intention of objecting.

THE SPEAKER. The gentleman from Illinois is recognized.

MR. MANN. Mr. Speaker, I have never been a prosecuting attorney, or a judge, or a jury, and hence I have never had occasion to send anybody to the penitentiary. I have never been a witness in a case of that kind, and I should hate very much to have the responsibility of depriving any individual of his liberty by incarcerating him in prison or otherwise. And yet I am not entirely certain whether it is advisable to pass a law which practically provides that no person shall be sent to prison for more than 15 years. In other words, under the operation of this bill any person who is sentenced and who obeys the rules of the prison and has a record of good conduct is practically entitled to a parole, because I take it that the parole board are not treating individuals differently where the circumstances are the same.

I have doubted whether the parole law was advantageous. I know that it has been a great benefit to certain gentlemen who had violated the national banking laws and various other laws, and who were sentenced to prison for not long terms, and who came out at the end of one-third of the terms to which they were sentenced. Possibly that is a desirable thing. I know of one case where I thought it was a good thing to have that done. Yet we go ahead and pass laws that make it easier all the time for criminals to escape punishment, in the face of an increase of crime.

THE SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

THE SPEAKER. The question is, Shall the bill pass? Those in favor will say "aye"; those opposed, "no."

The question was taken, and the bill was passed.

On motion of Mr. CLAYTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CHEYENNE RIVER AND STANDING ROCK INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3475) extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota.

The bill was read, as follows:

Be it enacted, etc., That any person who has heretofore made a homestead entry for land which was formerly a part of the Cheyenne River Indian Reservation, in the State of South Dakota, or the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, authorized by the act approved May 29, 1908, may apply to the register and receiver of the land office in the district or districts in which the land is located for an extension of time within which to make payment of any amount that is about to become due, and upon the payment of interest for one year in advance, at 5 per cent per annum upon the amount due, and payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment is due; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands.

SEC. 2. That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled and any and all payments theretofore made shall be forfeited.

SEC. 3. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act.

THE SPEAKER. Is there objection to the present consideration of this bill?

MR. MANN. Reserving the right to object, this is the same bill to which I objected when it was on the Unanimous Consent Calendar once before, because I thought some of the provisions in it were not specific enough to make them perfectly plain, and I then asked the gentleman from South Dakota [Mr. BURKE] if he would not take those matters into consideration. I should like to inquire of him whether he has done so.

MR. BURKE of South Dakota. Mr. Speaker, in response to the inquiry of the gentleman from Illinois I will say that I have an amendment to the amendment that I expect to offer, if unanimous consent is granted, which makes it entirely clear that in order to have the benefits of an extension if an entryman submits proof that he must apply for an extension and pay interest at 5 per cent in advance, the same as required if entrymen want an extension and do not offer proof. Since the bill was objected to when it was considered upon the Unanimous Consent Calendar upon the 22d of February, I sent it to the Secretary of the Interior, calling attention to the debate when the objection was made, and requested an expression of his views as to the amendment. I have received a letter in which he says he does not think it ought to be enacted. Of course I do not agree with his opinion and believe, in view of the fact that unless there is some provision of this kind enacted, that the settlers will not only abandon the lands but the Indian will lose the sale at the price that will have to be paid in order to acquire title under the terms of the law under which the entries were made, and I have two purposes in view in trying to secure this legislation. The first, to enable the settler to acquire title to his land and save what he has already paid, and also to give the Indian the benefit of a higher price than will be received if the lands are abandoned and have to be later reappraised and disposed of to other settlers. As I stated when the bill was up before, the law provides that the proceeds from the sale of these lands be placed in the Treasury to the credit of the Indians and draw 3 per cent per annum, while by the terms of this bill the deferred payments will bear 5 per cent interest, which must be paid in advance, and there is an advantage to the Indian to have the bill enacted into law. For the information of the House I will submit the letter of the Acting Secretary of the Interior in which he comments upon the proposed amendment and states that in his opinion it ought not to be enacted:

DEPARTMENT OF THE INTERIOR,
Washington, March 8, 1912.

HON. CHARES H. BURKE,
House of Representatives.

SIR: I am in receipt of your letter of the 23d instant, requesting an expression of opinion with reference to S. 3475 and suggested amendment thereto.

The bill proposes to grant an extension of time for payments on lands within the Cheyenne River and Standing Rock Reservations, in North and South Dakota, and the proposed amendment thereto to allow commutation proof to be submitted on entries therein, patent to be withheld until full and final payment of the purchase price is made.

The act of May 29, 1908 (35 Stat., 460), authorizing the disposition of these lands, provides for the classification and appraisal thereof and their subsequent disposition under the homestead and town-site laws of the United States, the appraised price of the lands to be paid in six equal annual installments. Section 4 of the act further provides that homestead entries made might be commuted under section 2301, Revised Statutes, upon payment of the entire appraised price, which amount under the law is required to be deposited to the credit of the Indians. The provision of commutation imposes no additional price as a prerequisite for commutation, nor does the proposed amendment to S. 3475. Therefore, if S. 3475 as amended be enacted into law, entrymen will be relieved of the necessity of residence upon, cultivation, and improvement of their lands after the expiration of 14 months of such residence, improvement, and cultivation without payment of the appraised price prior to commutation and without payment of any additional sum to the United States for the commutation privilege.

This department, in view of the drought and other climatical and physical difficulties with which settlers have been required to contend, favors the modification of the act of May 29, 1908, supra, so as to

extend the time within which payment of the several installments of the appraised price may be had. It does not, however, favor the proposed amendment, which would relieve entrymen from further residence upon, cultivation, and improvement of the land after they have made commutation proof of 14 months' residence, improvement, and cultivation. This provision would relieve the entrymen from conditions imposed by the original act without benefit to the Indians or to the United States while defeating in whole or in part the primary purpose of the homestead law, which is to secure the making of permanent homes on the public domain and the resultant cultivation and improvement of the land. The department, therefore, is of the opinion that the proposed addition to the bill, lines 13 to 20, inclusive, should not be made.

Very respectfully,

SAMUEL ADAMS, Acting Secretary.

Mr. MANN. I do not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

There was no objection.

Mr. BURKE of South Dakota. I desire to offer an amendment.

The SPEAKER. The committee amendments come first. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 2, line 1, after the word "due," strike out "and" and insert "such."

The amendment was agreed to.

The following committee amendment was read:

Page 2, line 6, after the word "payment," strike out the words "is due" and insert "becomes due by the terms of the act under which the entry was made."

The amendment was agreed to.

The following committee amendment was read:

Page 2, line 9, after the word "lands," add:

"And provided further, That any entryman who has resided upon and cultivated the land embraced in his entry for the period of time required by law in order to make commutation proof, may make proof, and if the same is approved further residence and cultivation will not be required, but patent shall be withheld until full and final payment of the purchase price is made in accordance with the provisions hereof."

Mr. BURKE of South Dakota. Now I offer the amendment which I send to the Clerk's desk as an amendment to the committee amendment.

The SPEAKER. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Page 2, line 19, after the word "required," insert the following:

"Provided, That any and all payments must be made when due, unless the entryman applies for an extension and pays interest at 5 per cent per annum in advance upon the amount due, as herein provided." Also, strike out the word "but" and insert the word "and."

Mr. MANN. There are two words "required" in the amendment. After which one does the amendment to the amendment come in?

Mr. BURKE of South Dakota. On page 2, line 18.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

INDIAN ALLOTMENTS DISPOSED OF BY WILL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1332) regulating Indian allotments disposed of by will.

The bill was read, as follows:

Be it enacted, etc., That upon the approval of any will executed in accordance with section 2 of an act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved June 25, 1910, and the death of the testator, the allotment of the decedent shall continue to be subject to the restrictions contained in the trust patent: *Provided*, That the Secretary of the Interior may, in his discretion, remove the restrictions and cause patent in fee to be issued to the person or persons to whom the land is devised.

Mr. BURKE of South Dakota. I suggest that the proposed amendment be read.

The SPEAKER. The first thing to find out is whether unanimous consent is given for the consideration of the bill.

Mr. MANN. Reserving the right to object, I should like to have the substitute read.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That section 2 of an act entitled 'An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes,' approved June 25, 1910, be amended to read as follows:

"Sec. 2. That any persons of the age of 21 years having any right, title, or interest in any allotment or individual Indian moneys or other property held in trust by the United States shall have the right prior

to the expiration of the trust or restrictive period, and before the issuance of a fee simple patent or the removal of restrictions, to dispose of such property by will, in accordance with regulations to be prescribed by the Secretary of the Interior: *Provided, however*, That no will so executed shall be valid or have any force or effect unless and until it shall have been approved by the Secretary of the Interior: *Provided further*, That the Secretary of the Interior may approve or disapprove the will either before or after the death of the testator, and in case where a will has been approved and it is subsequently discovered that there has been fraud in connection with the execution or procurement of the will the Secretary of the Interior is hereby authorized within one year after the death of the testator to cancel the approval of the will, and the property of the testator shall thereupon descend or be distributed in accordance with the laws of the State wherein the property is located: *Provided further*, That the approval of the will and the death of the testator shall not operate to terminate the trust or restrictive period, but the Secretary of the Interior may, in his discretion, cause the lands to be sold and the money derived therefrom, or so much thereof as may be necessary, used for the benefit of the heir or heirs entitled thereto, remove the restrictions, or cause patent in fee to be issued to the devisee or devisees, and pay the moneys to the legatee or legatees either in whole or in part from time to time as he may deem advisable, or use it for their benefit: *Provided also*, That sections 1 and 2 of this act shall not apply to the Five Civilized Tribes or the Osage Indians."

The SPEAKER. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill and the amendment.

Mr. BURKE of South Dakota. The bill has just been read. Therefore I ask unanimous consent that this reading be dispensed with.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the additional reading of this bill be dispensed with. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendment.

Mr. MANN. The amendment has just been read, and I ask unanimous consent that the reading be dispensed with.

The SPEAKER. The gentleman asks unanimous consent that the reading of the substitute be dispensed with. Is there objection?

There was no objection.

The substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed. On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

Mr. BURKE of South Dakota. Mr. Speaker, in connection with Senate bill 3475, which we disposed of a little while ago, I ask leave to extend my remarks in the Record.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the Record? Is there objection?

There was no objection.

DIVISION OF LANDS AND FUNDS OF OSAGE NATION OF INDIANS IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (S. 2) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes."

The Clerk began to read the bill.

Mr. MANN. Mr. Speaker, the bill which the Clerk is now reading is somewhat lengthy and has a number of controverted matters in it which ought to be considered, I think, in Committee of the Whole. I think I shall have to object. I am perfectly willing to reserve my objection if the gentleman from Texas wishes.

Mr. STEPHENS of Texas. Mr. Speaker, the Committee on Indian Affairs, through a subcommittee, has thoroughly investigated this bill. It has been gone over very carefully by the department. The affairs of this tribe of Indians are in a mixed condition. This legislation is necessary, and the sooner we get it through the sooner we will untangle the tangled skein and relieve these Indians.

Mr. MANN. I notice at one place in the bill it says that "the lands shall be paid over to the heirs." Now, there are various other provisions of a similar nature in the bill that, of course, ought to be corrected.

Mr. STEPHENS of Texas. It is an easy matter to amend those things in the bill.

Mr. MANN. I do not see how you can pay land over to heirs. The gentleman's committee is going to be called very soon.

Mr. STEPHENS of Texas. I hope so.

The SPEAKER. Does the gentleman from Illinois object?

Mr. MANN. I shall have to object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

EXCHANGE OF CERTAIN COAL LANDS, CHOCTAW AND CHICKASAW NATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 3686) authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nation for other lands within said nation.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. AKIN of New York. I object.

Mr. STEPHENS of Texas. Mr. Speaker, I think if the gentleman from New York [Mr. AKIN] will investigate this bill closely he will see that there is nothing wrong about it, and that it should become a law. It only permits the coal company to exchange a lot of 360 acres of land, on which they have spent a large sum of money in boring and prospecting to ascertain if there was merchantable coal to be found under it, and finding no coal under it they want to exchange it for land that has coal under it; and this bill permits this coal company to surrender their lease and lease 360 acres elsewhere in lieu of the 360 acres surrendered. The Indians get a royalty of 8 cents per ton from the coal; and the gentleman, by preventing the passage of this bill, will be compelling this company to suspend operations and throw their miners out of employment and prevent the Indians from getting their royalty on this coal land; and they now have large slopes and shafts that will fill with water, and as the lands that they desire to lease adjoin their works the water in the slopes and shafts will percolate through the coal. The gentleman from New York, by his objection, will be injuring the Indians and injuring the company, and the passage of this bill is a matter of pressing necessity. The bill has heretofore passed this House and the Senate and is urgently recommended by the department and is asked for by the Indians themselves, and I can not conceive any valid objection to its passage.

Mr. BURKE of South Dakota. I will call the gentleman's attention to the fact that the bill passed in the last Congress.

Mr. STEPHENS of Texas. It passed both Houses in the last Congress without objection, but did not get to the President in time to be signed.

Mr. AKIN of New York. I have not had time to examine into the bill fully.

Mr. STEPHENS of Texas. But the bill has been examined thoroughly by the committees of both the Senate and House and unanimously recommended by both.

Mr. AKIN of New York. I will reserve my right to object, if the gentleman wishes. It looks to me as if the company had got a lemon in the first place, and now they are going to let loose the lemon. I have not looked into the bill, but the gentleman can get it up again in a couple of weeks.

Mr. STEPHENS of Texas. I think there is no question about the urgent necessity for the passage of this bill, and it is one that has passed both the Senate and the House at the last session of Congress, but it passed too late in the session to become a law.

The SPEAKER. Does the gentleman from New York withdraw his objection?

Mr. AKIN of New York. No, sir; I object.

The SPEAKER. The gentleman from New York objects, and the bill will be stricken from the calendar.

FORTIFICATION APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 20111, the fortification appropriation bill, disagree to the Senate amendments, and ask for a conference.

Mr. MANN. I think the gentleman ought to wait until we are through with Calendar Wednesday.

Mr. SHERLEY. I am necessarily engaged in the hearings before the Committee on Appropriations, and this will only take a minute.

Mr. MANN. I do not object.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to take from the Speaker's table the fortification appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The SPEAKER appointed as conferees on the part of the House Mr. SHERLEY, Mr. RAUCH, and Mr. GOOD.

INDIAN DEPREDAATION CLAIMS.

The SPEAKER. The Clerk will report the next bill.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to withdraw the next bill, H. R. 14667.

The SPEAKER. The gentleman from Texas asks unanimous consent to withdraw the next bill, H. R. 14667. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, let us have an understanding as to what this does.

Mr. STEPHENS of Texas. I will ask unanimous consent that it be passed without prejudice.

Mr. MANN. Reserving the right to object, that would leave it on the calendar for next unanimous-consent day.

The SPEAKER. Undoubtedly.

Mr. MANN. I shall not object, although I do not desire anyone to refer to it as a precedent if I do object hereafter, because I do not believe in it as a matter of general practice.

The SPEAKER. The Chair quite agrees with the gentleman from Illinois. Is there objection? [After a pause.] The Chair hears none.

EXTENDING TIME OF PAYMENTS, HOMESTEADERS COEUR D'ALENE INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18661) to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time within which all unpaid payments which have heretofore, or may hereafter, become due and payable under the provisions of the act opening the Coeur d'Alene Indian Reservation to settlement, approved June 21, 1906 (34 Stat. at Large, p. 336), except the cash payment required at time of entry, be, and the same is hereby, postponed and extended for two years from the date on which such payments are now by law required to be made: *Provided,* That any payment not made within the time required by the act above stated, and extended by the provisions of this act, shall draw interest at 5 per cent per annum, and the interest, when paid, shall be credited to the proceeds of the sale of the land, as provided in said act: *Provided further,* That said extension shall be subject to a full compliance by the entryman with all requirements of the homestead laws as to residence and improvements.

With the following amendment:

Strike out all after the enacting clause and insert:

"That any person who has heretofore made a homestead entry for land which was formerly a part of the Coeur d'Alene Indian Reservation, in the State of Idaho, authorized by the act approved June 21, 1906, may apply to the register and receiver of the land office in the district or districts in which the land is located for an extension of time within which to make payment of any amount that is about to become due, and upon the payment of interest for one year in advance, at 5 per cent per annum upon the amount due, such payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided,* That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands.

"SEC. 2. That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

"SEC. 3. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act."

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I would like to know the necessity for the extension of the time of payments on these particular lands.

Mr. FRENCH. Mr. Speaker, the language of the bill is practically identical with the language of the bill that we have just passed affecting certain lands in the State of South Dakota, and with respect to these particular lands I would say that the law is as severe touching one who may not make his payment when it becomes due as it could well be, because the failure to make a payment causes him to forfeit his land absolutely. The necessity for the passage of this act arises from the fact that the amount to be paid by the settlers for each quarter section is from about \$800 to \$1,100 and more, to be made in five equal annual payments, and it is pressing the homesteader to the limit to comply with the ordinary provisions of the homestead law with respect to improvements, with respect to cultivation, and with respect to maintaining even the comforts of life within the family, not taking into account the necessity for meeting these payments.

Mr. MONDELL. What are the annual payments?

Mr. FRENCH. As I say, the annual payments will be approximately one-fifth of the entire amount for each quarter section—that is, one-fifth of from \$800 to \$1,100 or \$1,200.

Mr. MONDELL. But this is a good country and they have been raising good crops.

Mr. FRENCH. It is a good country, but the Indians have the best lands. The lands of the settlers are not so good and many settlers are having a hard time to meet their payments because of the rough character of the land and the necessity for clearing it before cultivation. It is true the land in question is in the rainfall belt, but it is difficult and expensive to clear away trees or brush and bring the land under the plow in such area as will make it raise sufficient crops to meet the payments necessary and carry out the other requirements of the law.

Mr. MONDELL. How long extension does this provide for?

Mr. FRENCH. For a year's extension beyond the date of final payment. I asked for two years, but the committee cut it to one, in view of the great opposition. Last year a thousand acres of land were forfeited because settlers were not able to meet their payments. This year there are many others who will lose their lands and their former payments or be seriously embarrassed unless this extension be granted to them.

Mr. MONDELL. Mr. Speaker, the gentleman knows we have many reclamation projects where it is very, very difficult for the settlers to meet their payments. Eventually these payments must be met. There ought to be some very good reason, indeed, if we are to continue from year to year, indefinitely, extensions of these payments. In the State of South Dakota it has been so dry that the grass has not grown, much less the crops. Of course, it is impossible for men under those conditions to meet payments, but this land is in a beautiful, well-watered territory—none finer in the Northwest than those lands of the Coeur d'Alene Indian Reservation.

Mr. NORRIS. The law requires the entire payment to be made in five years?

Mr. FRENCH. Yes; and the failure to meet even one payment forfeits the entry, and former payments can not be recovered.

Mr. NORRIS. And in addition to that they have to make the necessary improvements on the land?

Mr. FRENCH. Yes; and the best land was allotted to the Indians. These are the poorer, rougher lands.

Mr. MONDELL. Is this the only extension asked for?

Mr. FRENCH. Yes.

Mr. NORRIS. It seems to me that this is a harsh requirement in the law when taken into consideration with the improvements they have to make under the homestead law.

Mr. FRENCH. They have already made a couple of payments.

Mr. NORRIS. It seems to me the time asked is very short.

Mr. STEPHENS of Texas. All of the interest and the full amount of the principal must be paid within 12 months of the time the amount falls due.

Mr. MONDELL. It must be unless we extend the time again.

Mr. MANN. Whose fault was it that the time was made so short?

Mr. NORRIS. It was not the settlers' fault.

Mr. FRENCH. As has been suggested, it was not the fault of the settlers, and the bill was made into final shape after it had been in committees of House and Senate and after it had been in conference between the committee of the House and the committee of the Senate, and the present law represents the result of the best judgment of the Congress at that time.

Mr. MANN. It represents the result of the best judgment of the Committee on Indian Affairs, the gentleman means. Are not all people entitled to know in advance the terms upon which they can acquire this land?

Mr. FRENCH. Oh, undoubtedly, and they did know, and these people were willing to take the chance.

Mr. MANN. These people took the lands, and other people who knew the terms and thought they could not comply with them did not take the land?

Mr. FRENCH. Yes.

Mr. MANN. And these people, having taken this land, which is valuable, they want to have their time extended. The gentleman, of course, is familiar with the fact that the department has reported against the passage of the bill; that the local land officer said it ought not to pass; and that there is no occasion for its passage. What excuse does the gentleman offer for the passage of this bill any more than the passage of any other bill which will say that one need not pay for the land?

Mr. FRENCH. I have seen no report from the department that is adverse. On the other hand, the department advises that it does not know of any reason for its passage, but that is the extent to which the department has gone in the matter of an adverse report.

Mr. MANN. That depends on how you construe the language. The department says:

On February 7, 1912, the receiver of the United States land office at Coeur d'Alene informed the Commissioner of the General Land Office that

he knew of no unusual conditions which would justify the passage of this bill, and in the absence of such conditions I can not recommend its enactment.

I would call that an adverse report. The gentleman may construe it differently.

Mr. FRENCH. Mr. Speaker, I would repeat what I have already said, that the department simply was not advised of any reasons why the bill should pass. I know, however, that the settlers are facing the payment that is due in less than six weeks—on the 1st of May—and that the failure to pass this bill will result in tremendous hardship being worked upon many settlers, and several of them will undoubtedly lose their lands, forfeiting the payments they have already made, unless we do give them this relief. They are going to pay interest on the deferred payments in any event. Here is a case in which the Indians will be benefited as well as the settlers. Upon the moneys that may be deposited in the Treasury of the United States the Indians will receive 3 per cent interest. In this bill we provide that any deferred payments shall net the Indians 5 per cent, and that the interest shall be paid in advance. The security is ample, because it is much better than before the first payment was made, and, in addition to that, the second payment has been met, and improvements are continually being made upon the land.

Mr. Speaker, in further reply, in a general way, to the opposition to this bill, I want to say that the law providing for the opening up of the Coeur d'Alene lands for settlement gave the same opportunity for the citizens of every State of this Union as was given to the people of the State of Idaho, and most of the people who made homestead entry as a result of being fortunate enough to draw a lucky number came not from my own State but from the other States of our country.

It is true that they should have been familiar in a general way with the provisions of the law before selecting their land, and I have no doubt they were, but they could not foresee the many items of expense for clearing land, building houses and fences and barns, maintaining a family, and providing for bringing the homestead into such shape as would make it able to produce a sufficient amount of revenue to meet the necessary expenses of life, together with all the improvements to be made, and, in addition thereto, meet the annual payments required under the terms of the bill.

I wish there were a provision in the present law to the effect that the Secretary of the Interior could grant an extension of time in all cases where necessary, and I hope that a majority of the settlers upon the Coeur d'Alene Reservation will not need to avail themselves of the privilege of the pending measure.

Many of these settlers were poor men, and in view of the fact that the law under which they entered these lands makes no provision for an extension of time if a single payment shall not be met, I submit to this House that it is due these settlers that an extension of time be granted.

The Government will not lose. The Indians will not lose. On the other hand, they will gain 2 per cent on deferred payments annually over the amount that is paid on Indian funds held in the Treasury of the United States; and, in addition to this, the poor settler, wherever he may be located upon the Coeur d'Alene Reservation, will be able to save his home, continue his improvements, and take on new courage as he looks into future years. It is for these people that I plead.

I take it for granted that other members of Congress who have pressed special legislation for the relief of settlers similarly located knew the conditions of the settlers concerned, and I want to assure this House that it is the severe conditions which confront many of the settlers on the Coeur d'Alene Reservation that make me urge the passage of the bill.

Mr. MANN. Mr. Speaker, I shall not object at this time to the consideration of this bill, but I think I shall hereafter when such bills come up, not because I have any objection whatever to the extension of the time in which the settlers may meet their payments, but because I think that everybody in the United States is entitled to know in advance, on equal terms, with reference to obtaining the public lands. We pass a law here that comes out of one of the committees and provide that Indian or other lands can be sold on certain terms, usually Indian lands, and then people out West usually take up the lands. The people of my town, many of them, would like to go out there if they considered the payments were not onerous, but they do not go because they think the law is passed in good faith and will be enforced. And then when the time comes to make payment representatives from out there come and say the people are poor and can not pay and get the time extended. It is not fair to the people who think they can not make the entries because they think they can not make the payments.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, I shall not object to the passage of this bill, but I do want to make a suggestion in regard to it. There ought to be no question about the extension of time of payment, particularly when the entryman pays interest on the deferred payment, where there are conditions, climatic or otherwise, which clearly make it impossible or difficult for the entrymen to make their payments. But because the Committee on Indian Affairs reports a bill where conditions are clearly such as to justify the deferring of payment, it does not follow that every gentleman who has an Indian reservation in his State shall feel called upon to have an extension of time granted to the people on the reservation in his State. I make these remarks somewhat for the protection of gentlemen who come from regions where there are people paying for lands on Indian reservations. Every time gentlemen allow an extension of payment, where such extension is not made necessary by some unusual conditions, they are simply laying up trouble for themselves. Does the gentleman imagine he will not have the same demand the next year in this beautiful Coeur d'Alene country for an extension that he has this year? If a provision were brought in here under which the Secretary would have discretion to save deserving people who were found in a condition where it was impossible for them to make payment and there was danger of their losing their land, that is one proposition that would not be objected to; but the gentleman knows the storekeeper, the butcher, the baker, and the candlestick maker of Coeur d'Alene and the adjacent country are anxious to retain all of the loose change that there is in that country, in that vicinity, and do not want any of it sent to Washington, and they will delay the sending as long as they can, and that will make trouble for the gentleman from Idaho—

Mr. MANN. And the rest of us, because we will have a dozen of these bills—20 or more—within the next year.

Mr. MONDELL. I simply make these observations because we have these problems to face, those of us who live in the West, as does all the House, and I think the committee should be very careful that when an extension of payment is allowed that there are clearly conditions that make it necessary, and that where such conditions do not exist but there are well-meaning people, people who are making an honest effort—a few exceptions here and there—who can not make their payments, then some provision might be made with respect to extending their time.

Mr. STEPHENS of Texas. Is the gentleman aware that some of these settlers have lost their lands, lost the improvements and everything, lost their homes?

Mr. MONDELL. I should regret that very much, but the gentleman also knows this, that wherever you go on a reclamation project or Indian reservation there will be some people taking a chance who do not make good. Now, that is unfortunate; the gentleman understands human nature just as well as I do. I am sorry that any of these people lost their lands and I will be glad to join in an effort to restore them to them, but I think it is very important that we should know when we make general extensions that they are necessary under conditions there existing. There is no question in the Dakota case. Everybody who knows anything about conditions knows that those men, unless they had accumulations, could not possibly make their payments under the conditions there existing, and I assume times are hard in the Coeur d'Alene, but it is a country highly cultivated and of well-watered rich lands, and unless the people who went there are particularly hard up I am inclined to think there are a few dollars lying around in the Coeur d'Alene country that could be used to make these payments.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent—

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in the Committee of the Whole.

Mr. NORRIS. I will ask the gentleman from Idaho [Mr. FRENCH] if he will yield to me for a minute or two.

Mr. FRENCH. I will ask that the reading of the bill be dispensed with inasmuch as the bill and amendments have already been read.

The SPEAKER. The Chair has not yet put the other question. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent to consider the bill in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Now, the gentleman from Idaho asks unanimous consent to dispense with the reading of the bill and the substitute. Is there objection? [After a pause.] The Chair hears none.

Mr. NORRIS. Mr. Speaker, will the gentleman from Idaho yield?

Mr. FRENCH. I will yield.

Mr. MANN. The gentleman from Idaho can not yield.

The SPEAKER. Any gentleman is entitled to the floor, who can get it, for five minutes.

Mr. NORRIS. Are we reading the bill under the five-minute rule?

Mr. FRENCH. That has been dispensed with.

Mr. NORRIS. If we are not reading the bill under the five-minute rule, I do not understand we are entitled to that.

The SPEAKER. When the bill is considered in the House as in the Committee of the Whole there is no general debate, and it is read under the five-minute rule for amendment. The gentleman from Idaho [Mr. FRENCH] asks to dispense with the usual proceeding of reading the whole bill at first.

The Clerk will now read it for amendment, and, if no other gentleman secures the floor first, the Chair will recognize the gentleman from Nebraska [Mr. NORRIS] as soon as the Clerk reads to a place in the bill where the gentleman can demand recognition.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That any person who has heretofore made a homestead entry for land which was formerly a part of the Coeur d'Alene Indian Reservation, in the State of Idaho, authorized by the act approved June 21, 1906, may apply to the register and receiver of the land office in the district or districts in which the land is located for an extension of time within which to make payment of any amount that is about to become due, and upon the payment of interest for one year in advance, at 5 per cent per annum upon the amount due, such payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands.

"SEC. 2. That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

"SEC. 3. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act."

Mr. NORRIS. Mr. Speaker, I move to strike out the last word. It seems to me that while there is a great deal in what the gentleman from Illinois [Mr. MANN] has said in regard to these extensions that come up more or less frequently, after all the greatest mistake is made in the beginning by Congress in not giving a sufficient time and fixing a time sufficiently far distant so that a man in ordinary circumstances can go on to the land and be able to meet the payments which are provided by law. I believe the fault is with us. We have here a provision of the law where we have provided that the land shall be paid for in five years. We also recognize the fact that the man who buys it and goes onto a piece of raw land, must build himself a house, he must build barns, and he must subdue this wild land. And, as the gentleman from Idaho [Mr. FRENCH] says, in this particular case he has to clear a good deal of it.

Yet we have, under the terms of the law, demanded that he shall do all of this and meet all the payments, complete, within five years from the beginning. There is not one case out of a hundred where a man goes onto a farm which he buys, especially where there is nothing on the land—no house, no barn, no home, no cultivation—where he is able to pay for it in five years. As a matter of fact, nobody loses anything if this extension is made.

The Indians who get the money get a larger per cent of interest than they would if the man paid promptly. The provision is made for the payment of 5 per cent interest. There is no danger of loss, because one payment is already made, the improvements have been made on these lands, and the security is a great deal more valuable now than it was in the beginning. So the fault, in my judgment, if there is one—and I am inclined to think there is—in all these cases is with Congress and not with the settler. We have passed these laws, ostensibly at least, for the poor man. The man who is not poor does not care to go into this kind of a new country and take up these lands. It is an invitation that Congress sends all over the country to the men who are poor and who want to go into this country and build for themselves homes. And we have surrounded them with such exactions that it is almost impossible for poor men to do this. So that while it may indirectly not be fair to the man who did not take the risk we would be in rather an embarrassing position with the Indians if nobody had taken the risk and had gone there and purchased these lands. It seems to me instead of shutting down entirely we ought to let this be a lesson to us, so that in the future we will be more lenient in the extension of time for the honest home-

steader who is honestly trying to redeem that country and make a home for himself.

Something has been said about the reclamation project. Mr. Speaker, everybody now concedes it was one of the best things that was ever devised for the country, and particularly for the West, and yet there are hardships right along this line, where we provided that the man who takes the land under the reclamation project has to pay too much too soon. It precludes the poor man from going in and redeeming the land.

We require him to pay one-tenth of it within a year, before it is possible for him to raise anything on the land. We fail to recognize that it is raw land. There are no improvements there. A man must have a sufficient amount of money when he takes one of these projects to live for a year or two, at least, without any return. So that the only kind of people who are able to go into these kinds of projects are those who are so well fixed that they do not care to go into them. It is the poor man who would be glad to go in if you would make the inducement such that it would be possible for him to make a living while he was redeeming this wild country and making it into such a one as we expect and demand in the law that he shall make it. Particularly in this case, as presented by the gentleman from Idaho [Mr. FRENCH], it seems to me an instance where we can well afford to correct the error that we failed to correct when we framed the original law, and that means no loss to anybody, and no loss in equity to the Indians, who would get the money. The Indian would get a larger rate, and more of it, and it only extends it one year. It seems to me that the bill is very fair and the request is very reasonable, and that it ought not to excite any opposition whatever.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to be heard on the amendment. The gentleman from Wyoming [Mr. MONDELL] criticizes the Committee on Indian Affairs for having reported this bill. That same committee, at the meeting before the one when this bill was reported, reported a bill introduced by the gentleman from Wyoming [Mr. MONDELL], with relation to settlers upon the Shoshone or Wind River Reservation in Wyoming.

That bill passed the House by unanimous consent to-day. Under the terms of the law by which the settlers upon that reservation in Wyoming went upon the lands they were required to pay 50 cents an acre when they made their entries and the balance in equal annual payments, I think, during a period of four or five years. They may commute if they have resided upon their land for a period of 14 months. The bill which passed the House to-day, which was reported by this committee, provided that those settlers, if they showed a residence of not less than eight months, might commute and acquire title by paying the balance due for their lands.

Now, I say, Mr. Speaker, that that bill was proper. It was right to enact it. It is true that in that case it was shown that great drought prevailed, and that probably it would be impossible for all of those settlers to acquire title to their lands if they were required to observe strictly the law under which their entries had been made.

In the case of this bill the Committee on Indian Affairs, after a full consideration of the measure, believed that unless we did enact some remedial legislation many of the settlers would be unable to acquire title to the land or comply with the law and thereby lose their only home; and therefore we unanimously reported this bill.

Mr. Speaker, I agree with what the gentleman from Wyoming [Mr. MONDELL] has said, that this legislation ought not to be passed unless there is a condition of affairs by which a great hardship will be imposed upon the settlers, unless they are granted relief. In this case, under existing law, these payments are to be made in one or two or three or four or five years, as I remember. The payments do not draw any interest whatever if they are paid as they become due; when paid the money is placed in the Treasury and draws interest at the rate of 3 per cent per annum. Under the terms of this bill, if the settler is unable to meet his payments, he must make an application for an extension and pay interest at 5 per cent in advance.

Now, there is no injustice done by this proposition to the Indians. On the contrary, it operates to his benefit. And, furthermore, I may say that many of these settlers could undoubtedly acquire title to their lands and make payments by going to the money lenders and paying a high rate of interest and mortgaging their lands. This proposition simply enables the settler to borrow the money of the Indian and pay him 5 per cent interest in advance instead of the Indian getting only 3 per cent if it goes into the Treasury; and therefore I say that from every standpoint the action of the committee is not only justified, but there is no occasion for criticism of the committee in having reported this bill. [Applause.]

Mr. MONDELL. Mr. Speaker, I did not intend to say anything more about this bill, but the gentleman from South Dakota [Mr. BURKE] has referred as a matter of comparison to a bill which I introduced and which was passed by the House to-day.

That bill was entirely dissimilar in all its provisions from this. The only thing that bill did was to provide that the homestead entryman, instead of being compelled to show that he had remained upon his homestead 14 months, would be compelled to show that he had remained upon his homestead eight months continuously; and the fact is that three-quarters of the homesteaders affected by that bill have been on their homesteads not only eight months, but a good portion of the time for the last four years. But the department held that if a man were on his homestead all summer and left for two or three months during the winter and came back and spent the next summer on his homestead and was away again two or three months during the winter following, there was a break in the continuity of his settlement, and he could not prove up.

Some of these men have actually lived upon their lands from two and one-half to three years, if the time could all be added together, and we did not relieve them from the payment of a penny.

Now, I have no objection to this legislation if it is necessary. I would be the last man in the House to object to granting relief to homestead settlers who need relief. I will not say that these men do not need relief. I will only say that, in my judgment, it has not been proven that they do. I say it is important in the future that in passing upon cases of this kind it should be very clearly shown that the relief asked for is necessary, because you can depend upon it that relief will be asked for, whether it is necessary or not, and it is important for the committee to examine into these matters and decide whether their relief is absolutely necessary. I shall take it for granted in this case that it is. [Applause.]

Mr. MANN. Mr. Speaker, I agree with practically everything, if not everything, that was said on this subject by the gentleman from Nebraska [Mr. NORRIS]. My objection to bills of this character which come before the House is the objection to special privilege.

We hear a great deal said in the country about legislation in favor of special privilege. That is precisely what this bill is, and that was precisely what the bill was that was reported from the committee and introduced by the gentleman from Wyoming [Mr. MONDELL], who has criticized this bill. He has made a very valuable criticism against this bill, and a similar, though not exactly the same, criticism could have been made and ought to have been made against his bill. Special privilege is granted to people to go upon this land under certain terms offered by the Government, when other people are deterred from going on the land because they think they can not comply with those terms.

A few weeks ago we had a bill up for consideration here in reference to the disposition of Indian lands in Oklahoma, and I got inserted in the bill a provision giving to the Secretary of the Interior discretion in reference to the time of extending payment. I would like to inquire if any gentleman in the House knows what has become of that bill and that proposition?

Mr. BURKE of South Dakota. Mr. Speaker, I would like to answer the gentleman's inquiry, that the question of making this extension discretionary with a department of the Government was considered quite carefully by the Committee on Indian Affairs. It was thought that practically all of these people—I am speaking generally now—that asked for these extension acts would be seeking relief, and that to make it discretionary with a department of the Government would necessitate the entryman making an application. In most instances he would be required to employ an attorney, and he would thereby be put to an expense, and it was thought that it would be much better, if we were going to grant an extension, to give the extension to everybody, so that they could all have it if they desired, and without any particular effort on their part except to comply with the condition imposed.

Mr. MANN. I do not agree with the gentleman at all, but what became of that bill with that provision in it?

Mr. BURKE of South Dakota. I did not hear the gentleman's particular reference.

Mr. MANN. We inserted that provision in the general bill that was passed here recently in reference to the disposition of certain Indian lands in Oklahoma.

Mr. BURKE of South Dakota. Providing for discretionary power?

Mr. MANN. The surface-land bill.

Mr. BURKE of South Dakota. That he might grant extensions?

Mr. MANN. Yes.

Mr. BURKE of South Dakota. I do not recall it.

Mr. MANN. What has become of the bill? Is it still pending?

Mr. BURKE of South Dakota. I think the bill is a law. If it is the bill for the sale of the segregated lands in Oklahoma, it was a Senate bill, and the Senate concurred in the House amendment.

Mr. MANN. I am glad if it is a law. Now, we are talking here every day about special privileges, yet we bring up here a bill for the benefit of the gentleman from Wyoming [Mr. MONTGOMERY] far more extensive in its terms than was recommended by the Interior Department; a bill authorizing the granting of patents to those people, I believe, without even cultivating a single acre of the land. Next, we come up and propose to extend the time for payment for land, where most of the people ought to be able to pay for the land, on the theory that you can sell land and have everybody comply with the terms of sale. That never has been done and never will be done. God did not make men that way any more than he made all apples the same size, the same color, and the same taste.

The SPEAKER. Debate on this amendment is exhausted. The gentleman from Nebraska [Mr. NORRIS] withdraws his pro forma amendment, and the question is on agreeing to the committee substitute for the bill.

The substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the last vote was laid on the table.

Mr. FRENCH. Mr. Speaker, I desire here to insert as a part of my remarks the bill as amended, so that the settlers upon the reservation may understand the provisions of the same.

The bill as amended reads as follows:

A bill (H. R. 18661) to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906.

Be it enacted, etc., That any person who has heretofore made a homestead entry for land which was formerly a part of the Coeur d'Alene Indian Reservation, in the State of Idaho, authorized by the act approved June 21, 1906, may apply to the register and receiver of the land office in the district or districts in which the land is located for an extension of time within which to make payment of any amount that is about to become due, and upon the payment of interest for one year in advance, at 5 per cent per annum upon the amount due, such payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided,* That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands.

Sec. 2. That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

Sec. 3. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act.

RETURN OF BILLS TO THE SENATE.

The SPEAKER laid before the House the following communication from the Senate:

IN THE SENATE OF THE UNITED STATES,
March 19, 1912.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3716) for the erection of a public building at St. George, Utah.

The SPEAKER. If there be no objection, the request will be complied with.

There was no objection.

Also the following:

IN THE SENATE OF THE UNITED STATES,
March 18, 1912.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bills (S. 317) to provide for the purchase of a site and the erection of a public building thereon at Sundance, in the State of Wyoming, and (S. 318) to provide for the acquisition of a site and the erection of a public building thereon at Newcastle, Wyo., and (S. 4493) to provide for the purchase of a site and the erection of a public building thereon at Thermopolis, in the State of Wyoming.

The SPEAKER. If there be no objection, this request will be complied with.

There was no objection.

ISOLATED TRACTS OF PUBLIC LANDS.

The SPEAKER laid before the House the bill (H. R. 19342) to amend section 2455 of the Revised Statutes of the United States relating to isolated tracts of public lands, with a Senate amendment thereto.

The Senate amendment was read.

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

THE DEAD OF THE BATTLESHIP "MAINE."

Mr. PADGETT. Mr. Speaker, by direction of the Committee on Naval Affairs, I present a report of that committee in response to the letter of the President of the United States, addressed to the Speaker of the House, with reference to the ceremonies at the burial of the dead of the battleship *Maine*. I ask unanimous consent for the present consideration of the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 455.

Whereas the President of the United States has notified the Speaker of the House of Representatives that on Saturday, the 23d day of March, 1912, memorial services will be held to honor the memory of the officers and enlisted men who went down to an untimely death on the battleship *Maine* in the harbor of Habana on the 15th day of February, 1898; and

Whereas devotion to duty and sacrifice of line on behalf of country appeal to the best impulses of the people and inspire noble purposes and lofty ideals in national life and should receive appropriate recognition; and

Whereas the officers and enlisted men of the *Maine* at the post of duty gave their lives as a sacrifice for the honor of their country: Therefore be it

Resolved, That when the House adjourns on Friday, the 22d day of March, 1912, the House do adjourn until Monday following, as an expression of its admiration for the officers and enlisted men who lost their lives on the *Maine*, and for the purpose of participating in the services to be held in their honor.

The SPEAKER. The gentleman asks unanimous consent for the consideration of the resolution just read. Is there objection?

There was no objection.

Mr. PADGETT. I move the adoption of the resolution.

Mr. MANN. Mr. Speaker, will the gentleman inform the House whether, under the terms of the resolution, the understanding is that the House is to meet on Saturday or that it is to adjourn on Friday until Monday?

Mr. PADGETT. It provides that when the House adjourns on Friday it shall be until Monday next.

Mr. MANN. The committee changed the resolution.

Mr. PADGETT. We changed the resolution.

The resolution was agreed to.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

A bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Jacob Glits, late of Company E, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Simcox, late of Company L, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Benjamin J. Switzer, late of Company D, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Adam Bible, late of U. S. S. Silver Lake and Red Rover, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James A. Dumars, late of Company I, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Julius W. Day, late of Company D, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John J. Spiker, late of Company E, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. Combs, late of Company D, Third Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Jacob Dismuke, late of Company D, First Regiment Mississippi Mounted Rifles, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George B. Stoner, late of Company B, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Tatlow, late of Companies E and B, First Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Peter G. Wynegar, late of Company H, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William Swalley, late of Company G, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Mary J. Preuit, widow of Valentine Preuit, late of Company M, First Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John Barnett, late of Company H, Fifty-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Allanson, late of Company B, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John B. Welcome, alias John Gendron, late of Company A, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles H. Bassett, late of Company G, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Reynolds, late of Company C, Fourth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alice J. Rank, widow of John A. Rank, late of Sixteenth Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Francis M. Harter, late of Companies H and A, Eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Michael J. Boland, late of Company B, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Hazelbaker, late of Company G, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Mathias House, late of Company G, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph Dixon, late quartermaster U. S. S. Clara Dolson, Kenwood, and Great Western, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George F. Blood, late of Company D, Second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Sarah C. Ryland, former widow of George W. Collins, late of Company K, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Seely B. McCarthy, late of Company M, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Henry C. Harris, late of Company C, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Pirkle, late of Company G, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Thomas J. Turner, late of Company K, Fifth Regiment California Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of James P. Sarver, late of Company B, Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Morris Ecker, late of Company H, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Isaiah Snyder, late of Company H, Two hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George King, late of Company G, Two hundred and Fifteenth Regiment, and Company F, One hundred and fifty-third Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Van Schoick, late of Company F, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Samuel L. D. Hudson, late of Company E, Fifth Regiment West Virginia Volunteer Cavalry, and Company C, Fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Nathan T. Hastings, late of Company H, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Edward E. Thorn, late of Company B, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Russe, late of Company F, Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Oliver J. Plemons, late of Company H, Sixty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John L. Doyle, late first-class fireman, U. S. S. North Carolina, Potomac, and Tennessee, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alice L. Rowley, widow of William W. Rowley, late of Company F, Twenty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Henry H. Weaver, late of Company K, Forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Francis H. Galbraith, late of Company F, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Fleetwood, late of Company A, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James G. Warren, late of Company G, Twentieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Jesse Corn, late of Company E, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Anna E. Botsford, widow of Eli W. Botsford, late major Sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of John T. Riley, late of Company E, Second Regiment, and Company I, Eleventh Regiment, Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Richardson, late of Company K, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and pay

him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frederick B. Lewis, late of Company D, Ninth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Anderson M. Basquin, late of Company K, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William L. Thomas, late of Company C, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Smith, late of Company B, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George Long, late of Company G, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Goodin, late of Company A, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Perkins, late of Company F, Twenty-third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles M. Asbury, late of Company A, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Alonzo Livingston, late of Company D, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Calvin B. Flick, late of Company F, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William N. George, late of Company L, Eleventh Regiment Pennsylvania Volunteer Cavalry, and Company K, Eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob G. Drehmer, late of Company B, Nineteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alfred J. Skinner, late of Company I, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of George Claxton, late of Company K, One hundred and twenty-fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Francis M. Wall, late of Company K, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Cealon Robertson, late landsman, U. S. S. Ohio and Colorado, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas B. Cummins, late of Company F, Fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mercy Bates, widow of Almarin F. Bates, late of Second Battery Minnesota Volunteer Light Artillery, and pay her a pension at the rate of \$12 per month.

The name of Alexander Scott, late of Company A, Seventeenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Romeo J. Crossland, late of Company B, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John R. Leffard, late of Company C, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and Company D, First Regiment Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Donechy, late of Company D, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Long, late of Company D, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas J. Brown, late of Company A, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Sidney J. Crocker, late of Company C, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and Company C, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Daniel Seger, late of Company B, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Marlon Harris, late of Company D, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David Vestal, late of Company H, Fourth Regiment, and Company H, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Milton Thomas, late of Company D, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lewis Siples, late of Company D, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James K. Polk Brady, late of Company B, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Julius Demule, late of Company C, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David H. Randall, late of Company D, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Nard B. R. Johnson, late of Company F, Thirty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert Sutor, late of Company I, First Regiment Virginia Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Ludwell Tinsman, late of Company K, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles W. Barnes, late of Company K, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Daniel Beck, late of Company G, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel W. Porter, late of Company I, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Susan Babcock, widow of David Babcock, late of Company B, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John A. Brimmer, late of Company L, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Charles A. Shaffer, late of Companies K and A, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Apollas W. Moffit, late of Company G, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frank B. Honza, late of Company K, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jonathan F. Williamson, late of Company G, Ninth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James H. Parks, late of Company M, First Regiment New Hampshire Volunteer Cavalry, and hospital steward, United States Army, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Maxfield, late of Company C, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alonzo E. Stalker, late of Company D, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Austin P. Thayer, late of Company E, One hundred and first Regiment, and Company C, Fortieth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Emogene Marshall, widow of Joseph T. Marshall, late of Company B, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Elizabeth A. Gordon, former widow of John W. Fowler, late of Company A, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Ellen C. Basil, widow of Jeremiah Basil, late of Company B, Thirty-third and Thirty-fourth Regiments Iowa Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of William Keirnan, late of Company M, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James P. McClellan, late of Company G, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James V. Morrill, late of Company A, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Levi W. Sargent, late of Company A, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Orville C. Gordon, late of Companies F and G, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John D. Womble, late of Company M, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Andrew J. Mullins, late of Company H, Third Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of \$12 a month.

The name of James Simpson, late of Company D, Seventh Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Benjamin F. Hardy, late of Company I, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jerry A. Fitzgerald, late of Company G, Second Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob Ley, late of Company H, Eighty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John H. Kohr, late of Company K, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles A. Young, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John S. Lander, late of Company A, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jeremiah Sipe, late of Company B, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, and Company C, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph N. Burch, late of Company E, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob E. Israel, late of Company M, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Nathan S. Parson, late of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Benjamin A. Swasey, late of Company B, Thirty-first and Thirty-second Regiments Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Hopton, late of Company C, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jacob S. Robey, late of Company H, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Hooper, late of Company D, Eighty-fourth Regiment New York Volunteer Infantry, and Company C, First Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hiram L. Edwards, late of Company F, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Farmer Lathrop, late of Company G, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John H. Oakerson, late of Company A, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Levinia Branyan, widow of James A. Branyan, late of Company B, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of William Miller, late of Company K, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Peter Golden, late of Company K, Eighty-eighth Regiment Illinois Volunteer Infantry, and Company B, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Poirier, late of Battery K, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary J. Burriss, widow of Gideon Burriss, late of Company H, Third Regiment Tennessee Mounted Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John Walter, late of Company I, One hundred and sixtieth Regiment Pennsylvania Volunteer Infantry, and Company K, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Permelia Hubbard, widow of Bird Hubbard, late of Company C, Ninth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Sue May, widow of John B. May, late of Company F, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John B. Holden, late of Company A, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Steen Hanson, Jr., late of Company H, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George M. Banfill, alias George B. Phillips, late of Company E, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Bossingham, late of Company E, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Baker, late of Company G, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Harvey W. Trumble, late of Company A, Fourteenth Regiment New York Volunteer Heavy Artillery, and Company D, Sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel F. Crump, late of Company F, Eighth Regiment Missouri Provisional Enrolled Militia, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ezra Hyatt, late of Company D, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and Company G, Sixth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Piersy S. Kitchell, late of Company E, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William W. Kope, late of Company A, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John McClain, late of Company K, Sixtieth Regiment, and Company G, Fourteenth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Stephen Lanning, late of Company G, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George D. Allhands, late of Company K, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Francis M. Hill, late of Company E, Tenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Bradford R. Gilbert, late of Company E, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Isaac Skinner, late of Company I, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary A. Phillips, widow of Charles F. Phillips, late of Company B, Tenth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James E. Lawhon, late of Seventeenth Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jefferson Hurlock, late of Company D, One hundred and first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Wilson Waterman, late of Company I, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jackson Goodman, late of Company I, Second Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Sheesley, late of Company F, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sumner H. Perry, late of Company E, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cyrus Flke, late of Company D, Thirtieth Regiment, and Company B, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Huston, late of Company A, Eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Andreas Klalla, late of Company C, Thirty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Julia C. McCue, widow of Jeremiah D. McCue, late of Company I, Seventeenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Eliza A. Miller, widow of James C. Miller, late of Company D, One hundred and fifty-fifth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Myron S. Harding, late of Company C, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John E. Winfrey, late of Company H, Forty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Pleasant H. Wilson, late of Company I, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William W. Johnson, late of Third Battery, Connecticut Volunteer Light Artillery, and Company B, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Benjamin F. Musselman, late of Company E, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frederick Metzger, late of Company K, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Charles Feckenscher, late of Company F, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Videtto, late of Company A, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Brenner, late of Company D, Tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Marcus D. L. Neal, late of Company K, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Bolling H. Felts, late of Company K, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert H. McFadden, late of Company H, Seventh Regiment, and Company D, Forty-first Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Walker, late of Company A, Second Regiment Florida Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary C. Shepard, widow of Harvey G. Shepard, late of Company B, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Wallace Cole, late of Company G, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Wilkins, late of Company H, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Knealy Waymire, late of Company D, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry B. Perce, late of Company C, Thirty-fifth Regiment, and Company B, One hundred and eighty-fourth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James Coleman, late of Company I, One hundred and twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Thomas Hampson, late of Companies M, F, and A, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Lydia A. Wright, widow of Daniel C. Wright, late unassigned, Ninety-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James M. Marshall, late of Company D, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John C. Doran, late of Company E, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Margaret W. Dexter, widow of Charles H. Dexter, late of Battery B, Maryland Volunteer Light Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Charles H. Scott, late of Company C, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Armstrong, late of Company F, Ninety-sixth Regiment New York Volunteer Infantry, and artificer, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Dennis Wynas, late of Company K, Twenty-second Regiment New York Volunteer Infantry, and Company H, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Stafford Stevens, late of Company D, Eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel S. McCreery, late of Company A, Second Independent Battalion Pennsylvania Militia Volunteers, and Company A, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John G. Kiesling, late of Company L, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of George P. Walling, late of Company B, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ezra Peters, late of Company C, Ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John Burns, late of Company G, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel C. Davis, late of Company K, Seventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Augustus F. Groff, late of Company F, Seventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel B. Price, late of Company A, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Edward Trumble, late of Company F, Sixteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William T. Miller, late of Company I, One hundred and fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joshua F. Lemmon, late of Company K, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Richard Lavery, late acting first assistant engineer, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah C. Smart, widow of George K. Smart, late of Company E, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Jeremiah Postlethwait, late of Company J, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Bullamore, late of Company K, Twelfth Regiment Illinois Volunteer Infantry, and Company B, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Valerian Hauns, late of Company C, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Merling, late of Company B, First Regiment California Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas W. Dutro, late of Company D, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James F. McKeen, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Thomas Dipper, late of Company F, Sixth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of August Burkhard, late of Company E, Eleventh Regiment New York State Militia, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Francis Bartley, late of Company A, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alvah R. Blackmore, late of Company A, Eighty-third Regiment Indiana Volunteer Infantry, and Company A, Eleventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Robert B. Reed, late of Company I, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert M. Dunnington, late of Company C, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Small, late of Company A, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Ellen R. Shoppell, widow of Charles Shoppell, late of Company C, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James D. Layton, late of Company I, One hundred and ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Melville W. Stone, late of Company H, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry S. Jenks, late of Company D, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elizabeth A. Jacobs, former widow of Charles W. Pennington, late of Company C, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Lewis W. Brown, late of Company F, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Adam B. Hastings, late of Company I, Sixty-second Regiment, and Company G, Sixty-seventh Regiment, Ohio Volunteer

Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Holly A. Young, widow of Abraham Young, late of Company F, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Minerva Young, helpless and dependent child of said Abraham Young, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Holly A. Young the name of said Minerva Young shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$24 per month from and after the date of death of said Holly A. Young.

The name of John Rising, late of Company L, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albert Adams, late of Company D, Sixty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Milford E. Butts, late of Company B, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Hunter, late of Second Independent Battery, Minnesota Volunteer Light Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Henry Pruess, late of Company A, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Daniel Conner, late of Company B, First Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Oscar P. Whitney, late of Company A, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph McAdams, late of Company D, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John T. Smith, alias Jacob Smith, late of Company B, First Regiment Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew J. West, late of Company E, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Allen Mahlin, late of Company G, First Regiment Pennsylvania Volunteer Rifles, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ezra H. Witmer, late of Companies D and A, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Josiah Ruffe, late of Company A, Second Regiment New Hampshire Volunteer Infantry, and Battery K, Fourth Regiment United States Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Couchman, late principal musician, Sixty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Laban H. Johnson, late of Company E, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Nevens, late of Company D, Thirty-first and Thirty-second Regiments Maine Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Lyman L. Ramey, late of Company D, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Nathan Mainard, late of Company D, First Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Knizley, late of Company H, Eleventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of David H. Hopkins, late of Troop K, Sixth Regiment United States Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David L. Stouffer, late of Company H, Third Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John L. Eblen, late of Company A, Third Regiment Indiana Volunteer Cavalry, and Company L, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Edward Dreher, late of Battery C, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel J. Falvey, late of Company E, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Hiram Abbott, late of Company C, Twenty-seventh Regiment Iowa Volunteer Cavalry, and Company C, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Albert Roberts, late of Company K, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Henry B. Dewald, late of Company B, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Sarah J. White, widow of William W. White, late of Company K, Fourteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Minnie Ethel White, helpless and dependent daughter of said William W. White, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah J. White, the name of said Minnie Ethel White shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Sarah J. White.

The foregoing bill is a substitute for the following House bills referred to Committee on Invalid Pensions:

H. R. 75. Jacob Glits. H. R. 155. James A. Dumars.
H. R. 76. Joseph Simcox. H. R. 162. Julius W. Day.
H. R. 77. Benjamin J. Switzer. H. R. 181. John J. Spiker.
H. R. 152. Adam Bible. H. R. 190. John W. Combs.

H. R. 244. Jacob Dismuke.
H. R. 472. George B. Stoner.
H. R. 474. Samuel Tatlow.
H. R. 495. Peter G. Wynegar.
H. R. 497. William Swalley.
H. R. 610. Mary J. Preult.
H. R. 611. John Barnett.
H. R. 612. William H. Allanson.
H. R. 618. John B. Welcome, alias John Gendron.

H. R. 632. Charles H. Bassett.
H. R. 657. James Reynolds.
H. R. 658. Alice J. Rank.
H. R. 1345. Francis M. Harter.
H. R. 1346. Michael J. Boland.
H. R. 1351. William Hazelbaker.
H. R. 1354. Mathias House.
H. R. 1777. Joseph Dixon.

H. R. 1927. George F. Blood.
H. R. 1933. Sarah C. Ryland.
H. R. 1936. Seely B. McCarthy.
H. R. 1953. Henry C. Harris.
H. R. 2016. William Pirkle.
H. R. 2041. Thomas J. Turner.
H. R. 2147. James P. Sarver.
H. R. 2374. Morris Ecker.
H. R. 2377. Isaiah Snyder.

H. R. 2382. George King.
H. R. 2514. Charles Van Schoick.
H. R. 3040. Samuel L. D. Hudson.
H. R. 3278. Nathan T. Hastings.
H. R. 3281. Edward E. Thorn.
H. R. 3482. Charles Russe.
H. R. 3500. Oliver J. Plemons.
H. R. 3519. John L. Doyle.
H. R. 3520. Alice L. Rowley.

H. R. 3542. Henry H. Weaver.
H. R. 3641. Francis H. Galbraith.
H. R. 3820. William Fleetwood.
H. R. 3869. James G. Warren.
H. R. 3878. Jesse Corn.
H. R. 3913. Anna E. Botsford.
H. R. 4076. John T. Riley.

H. R. 4077. Joseph Richardson.
H. R. 4079. Frederick B. Lewis.
H. R. 4100. Anderson M. Basquin.
H. R. 4108. William L. Thomas.
H. R. 4137. Samuel Smith.
H. R. 4199. George Long.
H. R. 4205. William Goodin.

H. R. 4266. William H. Perkins.
H. R. 4377. Charles M. Asbury.
H. R. 4457. Alonzo Livingston.
H. R. 4537. Calvin B. Flick.
H. R. 4584. William N. George.
H. R. 4585. Jacob G. Drehmer.
H. R. 4604. Alfred J. Skinner.

H. R. 4822. George Claxton.
H. R. 4902. Francis M. Wall.
H. R. 4912. Cealon Robertson.
H. R. 5192. Thomas B. Cummins.
H. R. 5222. Mercy Bates.
H. R. 5235. Alexander Scott.
H. R. 5340. Romeo J. Crossland.

H. R. 5363. John L. Leffard.
H. R. 5373. John Donechy.
H. R. 5391. Joseph Long.
H. R. 5467. Thomas J. Brown.
H. R. 5577. Sidney J. Crocker.
H. R. 5585. Daniel Seger.
H. R. 5652. Marion Harris.

H. R. 5656. David Vestal.
H. R. 5657. James Milton Thomas.
H. R. 5662. Lewis Siples.
H. R. 5670. James K. Polk Brady.
H. R. 5711. Julius Demule.
H. R. 5796. David H. Randall.
H. R. 5869. Nard B. R. Johnson.

H. R. 6011. Robert Sotor.
H. R. 6034. Ludwell Tinsman.
H. R. 6259. Charles W. Barns.
H. R. 6277. Daniel Beck.
H. R. 6291. Samuel W. Porter.
H. R. 6378. John A. Brimmer.
H. R. 6611. Charles A. Shaffer.

H. R. 6725. Apollas W. Moffit.
H. R. 6803. Frank B. Honza.
H. R. 6834. Jonathan F. Williams.
H. R. 6884. James H. Parks.
H. R. 6900. William H. Maxfield.
H. R. 6910. Alonzo F. Stalker.
H. R. 7013. Austin P. Thayer.

H. R. 7075. Emogene Marshall.
H. R. 7085. Elizabeth A. Gordon.
H. R. 7147. Ellen C. Basil.
H. R. 7166. William Keirnan.
H. R. 7180. James P. McClellan.
H. R. 7199. James V. Morrill.
H. R. 7216. Levi W. Sargent.

H. R. 7219. Orville C. Gordon.
H. R. 7426. John D. Womble.
H. R. 7471. Andrew J. Mullins.
H. R. 7481. James Simpson.
H. R. 7662. Benjamin F. Hardy.
H. R. 7738. Jerry A. Fitzgerald.
H. R. 7754. Jacob Ley.

H. R. 7757. John H. Kohr.
H. R. 7789. Charles A. Young.
H. R. 7802. John S. Lander.
H. R. 7815. Jeremiah Sipe.
H. R. 7938. Joseph N. Burch.
H. R. 8030. Jacob E. Israel.

H. R. 8346. Nathan S. Parson.
H. R. 8441. Benjamin A. Swasey.
H. R. 8446. William Hopton.
H. R. 8447. Jacob S. Robey.
H. R. 8586. William H. Hooper.
H. R. 8914. Hiram L. Edwards.
H. R. 8915. Farmer Lathrop.

H. R. 8965. John H. Oakerson.
H. R. 9163. Levenia Branyan.
H. R. 9164. William Miller.
H. R. 9236. Peter Golden.
H. R. 9294. Joseph Poirier.
H. R. 9385. Mary J. Burris.
H. R. 9611. John Walter.

H. R. 9735. Permelia Hubbard.
H. R. 9861. Sue May.
H. R. 10253. John B. Holden.
H. R. 10254. Steen Hanson, jr.
H. R. 10272. George M. Banfill, alias George B. Phillips.

H. R. 10274. William Bossingham.
H. R. 10405. George W. Baker.
H. R. 10476. Harvey W. Trumble.
H. R. 10489. Samuel F. Crump.
H. R. 11054. Ezra Hyatt.
H. R. 11081. Piersy S. Kitchell.
H. R. 11151. William W. Kope.

H. R. 11184. John McClain.
H. R. 11197. Stephen Lanning.
H. R. 11214. George D. Alhlands.
H. R. 11245. Francis M. Hill.
H. R. 11252. Bradford R. Gilbert.
H. R. 11341. Isaac Skinner.
H. R. 11358. Mary A. Phillips.

H. R. 11445. James E. Lawbon.
H. R. 11447. Jefferson Hurlock.
H. R. 11448. William Waterman.
H. R. 11563. Jackson Goodman.
H. R. 11594. Henry Sheesley.
H. R. 11744. Sumner H. Perry.
H. R. 11893. Cyrus Fike.

H. R. 11922. George W. Huston.
H. R. 11992. Andreas Klala.
H. R. 12227. Julia C. McCue.
H. R. 12228. Eliza A. Miller.
H. R. 12629. Myron S. Harding.
H. R. 12800. John E. Winfrey.
H. R. 12959. Pleasant H. Wilson.

H. R. 13272. William W. Johnson.
H. R. 13286. Benjamin F. Musselman.
H. R. 13330. Frederick Metzger.
H. R. 13348. Charles Feckenscher.
H. R. 13396. George W. Videtto.
H. R. 13427. William H. Brenner.
H. R. 13509. Marcus D. L. Neal.

H. R. 13556. Bolling H. Felts.
H. R. 13656. Robert H. McFadden.
H. R. 13664. John Walker.
H. R. 13907. Mary C. Shepard.
H. R. 13920. Wallace Cole.
H. R. 14037. William Wilkins.
H. R. 14132. Knealy Waymire.

H. R. 14151. Henry B. Perce.
H. R. 14152. Thomas Hampson.
H. R. 14170. Lydia A. Wright.
H. R. 14271. James Coleman.
H. R. 14358. James M. Marshall.
H. R. 14339. John C. Doran.
H. R. 14428. Margaret W. Dexter.

H. R. 14562. Charles H. Scott.
H. R. 14597. James Armstrong.
H. R. 14600. Dennis Wynas.
H. R. 14608. John Stafford Stevens.
H. R. 14789. Samuel S. McCreery.
H. R. 15163. John G. Kiesel.
H. R. 15182. George P. Walling.

H. R. 15203. Ezra Peters.
H. R. 15239. John Burns.
H. R. 15285. Samuel C. Davis.
H. R. 15303. Augustus F. Groff.
H. R. 15446. Samuel B. Price.
H. R. 15804. Edward Trumble.
H. R. 16077. William T. Miller.

H. R. 16079. Joshua F. Lemmon.
H. R. 16174. Richard Lavery.
H. R. 16265. Sarah C. Smart.
H. R. 16503. Jeremiah Postlethwait.
H. R. 16710. James Bullamore.
H. R. 16711. Valerian Hauns.
H. R. 16759. John Merling.

H. R. 16797. Thomas W. Dutro.
H. R. 16918. James F. McKeen.
H. R. 16944. Thomas Dipper.
H. R. 17273. August Burkhard.
H. R. 17343. Francis Bartley.
H. R. 17454. Alvar H. Blackmore.
H. R. 17493. Robert B. Reed.

H. R. 17494. Robert M. Dunnington.
H. R. 17706. John W. Small.
H. R. 17801. Ellen R. Shoppell.
H. R. 17876. James D. Layton.
H. R. 18096. Melville W. Stone.
H. R. 18113. Henry S. Jenks.
H. R. 18141. Elizabeth A. Jacobs.

H. R. 18200. Lewis W. Brown.
H. R. 18218. Adam B. Hastings.
H. R. 18461. Holly A. Young.
H. R. 18552. John Rising.
H. R. 18575. Albert Adams.

H. R. 18578. Milford E. Buttles.
H. R. 18605. James Hunter.
H. R. 18665. Henry Pruess.
H. R. 18730. Daniel Conner.
H. R. 18835. Oscar P. Whitney.
H. R. 18988. Joseph McAdams.
H. R. 18999. John T. Smith, alias Jacob Smith.
H. R. 19053. Andrew J. West.
H. R. 19210. Allen Mahlin.
H. R. 19211. Ezra H. Witmer.
H. R. 19249. Josiah Ruffe.
H. R. 19302. William H. Couchman.

H. R. 19523. Laban H. Johnson.
H. R. 19493. William H. Nevens.
H. R. 19605. Lyman L. Ramey.
H. R. 19667. Nathan Mainaird.
H. R. 19670. George W. Knizley.
H. R. 19766. David H. Hopkins.
H. R. 19882. David L. Stouffer.
H. R. 20104. John L. Eblen.
H. R. 20129. Edward Dreher.
H. R. 20135. Daniel J. Falvey.
H. R. 20156. Hiram Abbott.
H. R. 20569. Albert Roberts.
H. R. 20675. Henry B. Dewald.
H. R. 20959. Sarah J. White.

During the reading of the bill, Mr. GARDNER of Massachusetts (interrupting the reading). Mr. Speaker, I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. RODDENBERRY. Mr. Speaker, I object.

The Clerk concluded the reading of the bill.

The SPEAKER. Is a second demanded?

Mr. RODDENBERRY. Mr. Speaker, I demand a second.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Missouri is entitled to 20 minutes and the gentleman from Georgia to 20 minutes.

Mr. RUSSELL. Mr. Speaker, I desire to say only a word at this time. This is an omnibus private pension bill. It contains 253 different pensions for soldiers or their widows. The total amount carried by the bill is about \$76,000, about one-half of which represents increases, or about \$38,000. Your committee does not claim to be any more perfect than any other committee in this House, but it has given careful consideration to these bills, and we believe that they are meritorious and ought to be passed.

I do not care to consume further time now, but will reserve the balance of my time.

Mr. RODDENBERRY. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Speaker, I desire in this short period of time to call attention to a few facts to show the injustice done the country by rushing through this House a bill carrying 270 special pensions and only allowing 20 minutes debate in the consideration of the whole number. This list includes in part increase over and above what the law provides, and the other part cases placed on the list refused by the Pension Bureau. I disclaim any intention to criticize the action of the committee. I say every Member of this House should act for himself on each individual case. I claim the right, as a Member of this House, to present to the House facts showing that any case on this list is unworthy. This right you refuse me and only give 20 minutes to present evidence and argument against 270 cases. The committee is composed of good men, I admit. The gentleman, Mr. RUSSELL, of Missouri, who has charge of this bill, is one of the best Representatives of the House—honest, courageous, and able. The State of Missouri should be proud of such a Representative. The soldier has no better friend in this House. I do not fall out with him for that, but, as a Member of this House, I feel it my duty to act for myself on proposed legislation, especially when the money of my constituents is being appropriated. This bill carries an appropriation of \$76,000.

First, let me call attention to the injustice being done the officials employed by this Government under the statutes and the laws of the United States. I have reference to the Pension Bureau. In many instances in their report it will be found that there are cases where the Pension Bureau has been exceedingly liberal, and yet this report overrules its decisions. I think you will find the bureau has turned down most of these cases, and yet this report takes up these turned-down cases and places them on pension roll. The officials of the bureau are employed by the Government and are supposed to be diligent in the discharge of their duty, and yet, with all their diligence, they have allowed thousands of names to get upon the pension roll who are not entitled to be there and who are drawing and have drawn more than they are entitled to draw. This procedure is poor encouragement to the bureau officials to discharge their duty.

Mr. BURKE of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. TRIBBLE. Mr. Speaker, I can not yield. I have only 10 minutes. I have heretofore never refused to yield in pension debate, but I can not yield now. I will not have time to discuss more than one or two cases out of 270.

For the purpose of showing the liberality of the Pension Bureau I desire to call attention to the case of John W. Combs, found on pages 6 and 7 of the report. The Pension Bureau has granted Mr. Combs a pension amounting in total to \$9,128. I

have the statement here from the Pension Bureau. This committee now comes in here and undertakes to increase this man's pension to \$40 a month. Where are the fellows who served for four and five years and who to-day are getting nothing and some \$12 a month? Why favor this man with \$40 per month? Why not treat all alike? He has enjoyed \$9,128. Why not give the fellow who has drawn nothing something instead of giving this man \$40? What is the committee doing for them? I could take this list here and show that there are women in this report who are very old, some as old as 98, some blind, and some crippled, and some who can not get out of their beds, and they are getting \$12 and \$20 a month. They are widows who lived through the war and who bore the burdens of war—war widows. This does not compare well with the large pensions paid men whom the record will show own several thousand dollars' worth of property. It is safe to say the full value of property does not usually appear in returns.

Mr. Speaker, I hold in my hand the record of another case where a man went into the employ of the United States Government in one of the departments in Washington in 1881—31 years ago. He has drawn from that time until this anywhere from \$1,200 to \$1,600 a year, so I am informed. That man has had two or three special acts passed for him, and in total he has drawn in pensions since his discharge the enormous sum of \$24,871.63.

Mr. RODDENBERRY. And had a job all the time.

Mr. TRIBBLE. And had a job all the time. He is on the pension roll as a disabled soldier, and let me read to you what the doctor says about it. This case is not in this special report, but I am discussing this case to show you how the country is being imposed upon, how the committee is being imposed upon, and how the Congress is being imposed upon.

No man can stand on the floor of this House and defend giving nearly \$25,000 to one man who at the same time is drawing \$1,200 or \$1,500 a year while occupying a position in the Government service. I am here to say to you that the Government here in Washington, every department, is honeycombed with numerous cases of soldiers drawing large salaries and large pensions and many on total disability act. Here is what the doctor said about this soldier whose record I hold in my hand. By reading from the report the statement of the doctor I do not mean to reflect on him. I disclaim any intention to discredit any surgeon. I contend that in many instances the doctors are being imposed upon.

Mr. RUSSELL. Mr. Speaker, will the gentleman please give us the item to which he is referring?

Mr. TRIBBLE. Mr. Speaker, I do not care to be interrupted at this time. I have only 10 minutes.

The SPEAKER. The gentleman declines to yield.

Mr. TRIBBLE. I will read what the doctor said:

The reflected irritation upon the whole nervous system, as a matter of fact, increases his trouble so as to unfit him for any kind of labor, mental or physical.

Mind you, this is the doctor who is talking.

He should, if possible, have no enforced occupation; should not be compelled to any business cares of any character.

The doctor then goes on to say further:

And I express this opinion not upon theoretic grounds, but base it alone upon close observation of this case for several years.

Yet the man was working for the Government in one of the departments. What else does he say? Under date of March 20, 1890, he certifies that the wound has wrecked forever the system of this man, and instead of looking forward to possible chances of improvement he must become worse as age advances. Following this comes a medical bill of \$600 for one year, as shown by the report.

Mr. Speaker, I am here to say to you to-day that that man is employed in the bureau here at a salary of \$1,200 a year, and that he is as able to work as half the men on the floor of this House. Yet gentlemen say that the country is being fairly treated, with such examples as this before them. A gentleman was in my office and remarked that he knew a soldier on the total disability list working for the Government at \$1,200. I secured his name and his record. I then sought other names in the departments at Washington on salary drawing pensions, and I was astonished to find men drawing \$2,000 salaries on pension roll—many of them. I tell you, Mr. Chairman, you dare not open the gates and let the people take a peep inside of this sentimental wall that has been built around these old soldiers. We are making no fight on the worthy ones. We are trying, Mr. Speaker, to cut out the unworthy, and we are calling on this Congress to investigate these cases, so that the people may not be burdened with taxes to pay unworthy claims. The responsibility is not on the committee; it is on us.

Mr. Speaker, continuing in this report—

Mr. BURKE of Wisconsin. Mr. Speaker, will not the gentleman give us the name?

Mr. TRIBBLE. Yes; I will give the gentleman the name. I come now to consider the case of Mercy Bates, found on page 34 of the report. Take it and read it, absorb it, think of it, and defend it when you go back home, because your people will call upon you to do it if they know what is in this report. The claim of Mercy Bates was rejected in February, 1910, by what is supposed to be an honest official bureau, upon the ground that she was not the legal widow of a soldier; on the date of her marriage to him he had never been divorced. Neither soldier nor his wife secured divorce. The report goes on to say when the wife left the soldier she took up with a nigger. Listen, gentlemen. I want the members of this committee to listen. When she left the soldier she took up with a nigger. Now, this committee knew that fact, and knew the fact that his second wife, or what was supposed to be his second wife, was never legally married. Now, you Members know these facts as well as the committee. Here is what this report says about it: The soldier informed her—that is, the second wife, Mercy—that he was free to marry her, his former wife having run away with a nigger. Mercy knew she was illegally married.

The report says she was never divorced. The committee used this language:

Believing that the soldier had a legal capacity to marry, and for this reason and for the reason that the former wife had left him and cohabited with another man she believed she could marry this man.

How could she believe that? Is there a woman in this land who is not an imbecile or a lunatic who does not know that it is a violation of law for her to marry another man without being divorced from her husband? She knew she was not legally married to the soldier.

H. R. 5222. Mercy Bates, 75 years of age, sought pension in the Pension Bureau as the widow of Almarin F. Bates, who served as a private in the Second Battery Minnesota Light Artillery from September 3, 1864, to August 16, 1865, and who died April 8, 1909, while a pensioner under the act of February 6, 1907.

The claimant, who married the soldier by ceremony in the State of Minnesota on June 22, 1889, sought pension under the act of April 19, 1908, in May, 1909, but her claim was rejected in February, 1910, upon the ground that she was not the legal widow of the soldier, inasmuch as at the date of her marriage to him he had a former wife living, one Flora, from whom he had never been divorced and who was still living.

The claim was specially examined in January, 1910, and from evidence so obtained it appears that the soldier was first married on October 15, 1860, to one Jane Ruth Miner, who died March 15, 1870; that about six months after the death of his first wife the soldier again married one Flora Williams; that they lived together as husband and wife until the summer of 1887, when the wife Flora left the soldier and took up with a colored man of the name of Whiting; that neither the soldier nor his wife Flora obtained a divorce from each other; that Flora lived with Whiting until his death in June, 1909; and that on November 6, 1909, said Flora entered into a ceremony with one George Griffin; and that said Flora was alive in January, 1910.

The soldier married the claimant Mercy on June 22, 1889, as above stated, and without having obtained a divorce from Flora, the soldier having informed her, said Mercy, that he was free to marry her, his former wife having run away with a negro, and the soldier and the claimant Mercy lived together as husband and wife until the soldier's death on April 8, 1909.

The claimant now stated in her petition filed with Congress that the soldier before his marriage to her informed her that he had been legally divorced from his former wife Flora, which statement she believed to be true, and which belief was further strengthened by her knowledge of the fact that said Flora had left the soldier and run away with a negro by the name of Whiting; that during her wedded life to the soldier and up to the time of his death she had never heard any rumors to the effect that the soldier was not legally divorced from Flora; and that she believed herself to be his legal wife at the time of his death.

Proof filed with your committee shows that the claimant is weak and feeble as the result of old age, is suffering from a rupture, and is unable to perform manual labor; has no property except two lots worth about \$200 or \$300, and no income of any kind.

She is a resident of Wells, Minn.

The former wife Flora has never applied for pension and has no title now under the provisions of the act of April 19, 1908, having entered into a valid marriage since the soldier's death to the man Griffin, whose wife she now is.

Assuming that the claimant Mercy married the soldier in good faith, believing that the soldier had legal capacity to marry by reason of the fact that his former wife had left him and commenced cohabitation with another man, and taking into consideration that she was the wife in fact of the soldier for 20 years, that the former wife Flora has remarried since the soldier's death and has no title to pension, your committee believe that for pensionable purposes the claimant should be recognized as the legal widow of the soldier. Relief to the extent of granting her a pension of \$12 per month is therefore recommended.

I am not criticizing the committee. I am insisting that this House should not pass this bill without investigation and to give the country what we think it ought to have, a thorough investigation of each case by the Members of this House and that special favors should not be shown to the select among them.

Now, Mr. Speaker, I would like to call attention to several cases in this bill, cases where the parties own property, large amounts of property, and yet an increase is asked by this committee, in many cases increase to \$30 and \$40 per month and in many instances where they own considerable property. For instance, on page 65 of report, John Walters owns home valued

at \$2,500, gets assistance from a lodge, and he is recommended for an increase to \$30 per month. John Basquin, on page 27, owns over \$2,000; he is to get \$36. John Gooman, on page 74, owns 96 acres of land, and he is to get \$30 per month.

Gentlemen of this House, it seems to me, should discuss the merits of the legislation in question and not hide behind soldier sentiment and indulge in personal references about gentlemen who oppose this manner of legislation, thereby trying to shift the issue in the minds of the American people. I close these remarks with a business proposition for my colleagues to consider.

The present income of the Government does not exceed the expenses. The Democratic Party proposes to cut the present revenue by reducing tariff. Free sugar will reduce the revenue of the Government sixty millions. This is only one item to be reduced. This shows a depletion of the Treasury. Now, look to the other side of the question. The pension bill we passed increases the expenses about seventy-five millions.

EXAMPLE.	
Pension increase -----	\$75,000,000
Loss in sugar revenue -----	60,000,000
Treasury deficit -----	135,000,000

How are you going to meet this deficit? Excise tax is proposed, and the highest estimate, should the tax be enacted, is \$60,000,000. Granting that it will become law, still you have \$75,000,000 deficit. Cut out this increased pension debt and the excise tax will take the place of the sugar duty and give the people free sugar; but, sir, I fear the Senate will not give us free sugar if we give the country pension debts to pay.

I have no animosity to the old soldier, but in good faith I am fighting unjust pensions to keep down expenses that the country may get free sugar and wholesome reductions on all the necessities of life.

Senator SWANSON, of Virginia, in a recent speech on pensions, inserted in the RECORD the following report of Commissioner Evans:

In 1871 this captain died. He was not a pensioner and never had filed a claim for pension. His widow remained a widow until March 30, 1887, when she remarried, having filed no claim, and, having remarried, had no pensionable status. In 1893, 5 years after the act of June 7, 1888, had passed, 6 years after her remarriage, and 22 years after the death of her soldier husband, she files her claim for a pension as a widow from the date of the death of her soldier husband in 1871 to the date of her remarriage in 1887—16 years—and gets nearly \$4,000, practically for the use and benefit of her second husband.

Commissioner Evans, in discussing the evil effects of the arrears pension act, says:

The records of national cemeteries have been brought into use for the purpose of determining the names and service of those buried there. Women are then hunted up, who are induced to execute applications for pensions on account of the service and death of these soldiers. These women become plant tools in the hands of the operators. A prima facie case is made out by means of stock witnesses, and the originator of the fraud pockets the amount of the first payment, leaving the fraudulent claimant to reap the benefit of the future payments. Great difficulty is often experienced by this bureau in disproving a marriage or marriage relations alleged to have occurred 30 or 40 years ago.

This criticism emanates from Commissioner Evans, a Republican selected by President McKinley to administer the Pension Office.

Mr. RODDENBERRY. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. CALLAWAY].

Mr. CALLAWAY. Mr. Speaker, I want to call the attention of the committee to one or two bills introduced here out of the 251 for the purpose of showing that when we engage in the passage of pension legislation, or any other kind of private legislation, special legislation, there is no telling at all where it is going to end, and that it is not based at all on justice or equity, and nobody is considered except the individual for whom the legislation is passed. The question of justice is altogether abandoned and we are absolutely at sea.

Now, I have a bill here, introduced by the genial gentleman from Iowa [Mr. PEPPER], for Thomas Brown. Gentlemen will find it on page 38. He is 64 years old now. He must have joined the Army when he was only 15 years of age. I do not understand how he could have gotten in at that age. On looking at the laws I find that a person could not enlist until he was 17, but according to this statement he got in when he was 15. He enlisted on the 10th of May, 1864, stayed in the service until the 24th of September, 1864—4 months and 14 days.

He has drawn a pension of \$12 a month from 1890 until now, and this bill proposes to increase his pension to \$24. He was never in a battle, he never received any injury from the service whatever, according to the statement made here, and I take it that it is made as favorable to him as possible. He has already drawn from the Government for that 4 months' service \$3,312, and if he lives after this bill is granted as long as an ordinary pensioner is expected to live—20 years, which will make him 84—he will draw \$5,760 more, or a total of \$9,072 from the Gov-

ernment for 4 months' summer service in the Army, when he never was in a battle, according to the statement, and can not trace any of his disabilities to service in the Army.

But that is not the worst of it. I see from this report that he owns a one-third interest in a homestead worth \$3,000. He is worth more, Mr. Speaker, than 75 per cent of the voters in this country. Besides that, he has a yearly income of \$180. We propose now to give this man a pension, in addition to the \$12 he is already getting, of \$12 more, making it \$24 a month, Mr. Speaker, and saddle that on the voters of this country, the taxpayers of this land, the widows from one end of the Union to another, who have to work for their living, and 90 per cent of them are in a worse condition financially than he is.

The SPEAKER. The time of the gentleman has expired.

Mr. CALLAWAY. I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I yield to the gentleman from Iowa [Mr. KENDALL].

Mr. KENDALL. Mr. Speaker, I am sure that the country as well as this House has witnessed with profound disapproval the performance which is enacted on this floor whenever private pensions are the subject of discussion. The opposition which has been interposed chiefly by the gentleman from Georgia, Mr. RODDENBERRY, and his colleague, Mr. TRIBBLE, is not simply an assault upon every veteran whose condition is to be relieved by the bill, but it is an impeachment of the committee which has reported the legislation.

I believe it but justice to say, Mr. Speaker, that in my opinion there is no committee in this House which exhibits more painstaking industry or displays more discriminating intelligence in the examination of measures within its jurisdiction than the Committee on Invalid Pensions. [Applause.] It is signally honored in its chairman, Mr. SHERWOOD, a distinguished soldier of the Civil War, who is a patriot in 1912, in these pleasant times of peace, as he was in 1861, in the dark days of war. [Applause.] He would no more do injustice to his country now than he would consent to its dismemberment then. [Applause.] Every item in this bill has been carefully scrutinized by him and his associates, and the result is a unanimous recommendation.

Mr. Speaker, the student of affairs will be interested to observe how history, which is supposed to repeat itself, has in the present instance reversed itself. Nearly 50 years ago the men who are beneficiaries under this bill were young, buoyant, and vigorous, and they went marching through Georgia. Now, after the expiration of half a century, they are old, diseased, and decrepit, and Georgia is marching through them. [Applause.] The only objection advanced against measures of this character on this floor or at the other end of the Capitol originates in Georgia. But I refuse to believe that the clamor which has disturbed us here is the voice of that imperial and patriotic Commonwealth. [Applause.] She has been and is ably represented in this body. I observe sitting near me the eminent chairman of the great Committee on Interstate and Foreign Commerce [Mr. ADAMSON], whose ability and integrity have established his influence and usefulness in this House. [Applause.] And his colleague Mr. BARTLETT, whose service here is of infinite value to his constituency and to us. [Applause.] And my friend Mr. HARDWICK, who has attained such distinction by his conscientious and capable labor on this floor that when he addresses the House he has not merely the membership, but the entire country, for his audience. [Applause.] And our other friend, Mr. BRANTLEY, the loss of whose ripened wisdom and attractive eloquence is a national calamity. [Applause.] These men have conferred more honor upon Georgia than she has bestowed upon them. [Applause.] We have heard no one of them in opposition to these beneficent measures. But apparently we are embarking upon a new era, which, I trust, may be as brief as it is inglorious. Other men have appeared to represent or to misrepresent the sentiment of the Empire State of the South, and they occupy every day that we devote to the consideration of private pension bills by filibustering against provisions intended to comfort the declining years of our disabled and deserving veterans. I protest against it, and I believe I express the unspoken conviction of gentlemen on both sides when I denounce it as reprehensible and unpatriotic. [Applause.] Mr. Speaker, this is a moderate bill. It insures a relief which is not available under the general law for 270 old soldiers or their dependent widows. It ought to pass unanimously and immediately. [Applause.]

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. RUSSELL. Mr. Speaker, I yield to the gentleman from Illinois [Mr. THISTLEWOOD] three minutes.

Mr. THISTLEWOOD. Mr. Speaker, in justice to the men who belong to the same class with myself I feel like I ought to say a few words. We have crossed the hill and are going down the slope on the other side. There are but few of us in this Congress, but we come asking you to do justice to our disabled comrades. We are not beggars, nor are they. In a country like this there should be no beggars. We come to you to ask you to do simple justice to these men. I have no quarrel with the gentleman from Georgia; I have no quarrel with anyone. I simply desire that these men should be treated fairly. We may be getting old—I guess we are, and some of us are ugly—but we can not help this. We are trying to be with you as long as we can, but, remembering the trials we passed through 50 years ago—I am not speaking of myself but of those who were with me—it is a wonder we are able to stand on this floor and make a plea for them. Here is my friend here with his hand up to his ear. He received that affliction in the Army. There are but few men who saw service 50 years ago but who have had to go limping through life and very much worse for the service they performed. We preserved a united country. It would not seem to those who are on the other side that they were greatly benefited, but it seems to me that the entire people of this country were greatly benefited by that band of men who saved the flag and brought it back without the loss of a single star. [Applause.] I never had any quarrel with a brave Confederate soldier, nor am I going to have any now. I compliment them as being among the bravest men the world ever saw, and no brave man can condemn another brave man—

Mr. CALLAWAY. Will the gentleman yield for a question?

Mr. THISTLEWOOD. I will.

Mr. CALLAWAY. In all that the gentleman is saying about soldiers being patriotic in the service and that they did a great deed for the welfare of this country we agree—

Mr. THISTLEWOOD. Make it short, my time is short.

Mr. CALLAWAY. But what does the gentleman say about this pension bill to which I specially called attention, where the records show the man was not even on the firing line and—

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CALLAWAY. And yet he has drawn \$3,000 from the Treasury.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. THISTLEWOOD. The gentleman from Texas asked a question which I did not have the time to answer, but will now answer it in the extension of my remarks. He wonders at and seems to doubt the record of Thomas J. Brown, who is alleged in this bill to be 64 years old. There is nothing remarkable about this at all. There were nearly 10,000 men enlisted in the Union Army who were 16 years old and under, or younger boys than Brown. There were 100,000 who were 17 years old and under. The record shows that Thomas J. Brown enlisted May 10, 1864, and served 4 months and 14 days, or until September, 1864. This was the most trying ordeal during the war. The great campaign at Atlanta was on, continuing almost during the entire time of his enlistment. I did not have the time to look up whether he was in any battle or not, but I venture the assertion that he was doing active service somewhere on the firing line. Gen. Hovey, of Indiana, recruited a division of Indiana boys ranging from 16 to 18 years of age during 1864, and they saw battle and did good service.

The pension examiners who last examined soldier Brown stated they found double inguinal hernia, disease of heart, asthma, and deafness. My friend of Texas I presume would want a man about dead before he would receive a pension. He states in his speech, "all that the gentleman is saying about soldiers being patriotic in the service and that they did a great deed for the welfare of this country we agree," but how does it come that the gentleman has failed yet to vote for a single pension bill. He did not vote for the Sherwood bill, neither has he voted for any of the omnibus pension bills that have been presented to this House, although reported unanimously by the Pension Committee. I am afraid the gentleman does not mean all he said.

On the passage of a previous pension bill the gentleman took pains to introduce a statement alleged to have been made by Gen. Charles Francis Adams. Inasmuch as that has been published on more than one occasion in the Record, I desire to insert the following clipping from the National Tribune of January 18, 1912, and make it a part of my remarks:

BYT. BRIG. GEN. ADAMS.

The World's Work, the leading organ of "the interests," is continuing its raid by securing a series of articles against pensions and pensioners by Bvt. Brig. Gen. Charles Francis Adams, and naturally the pension-hating papers are extolling Gen. Adams as a soldier of extraordinary

merit and a representative of the splendid soldiery which Massachusetts sent into the Army to support the Union. This is a flagrant injustice to the really great soldiers who represented the Old Bay State so superbly during the great war. It is startling to Massachusetts men who have pointed with well-founded pride to such magnificent soldiers from Massachusetts as Joe Hooker, George L. Andrews, J. G. Bernard, William F. Bartlett, William Blaisdell, H. S. Briggs, B. F. Butler, S. E. Chamberlain, C. B. Comstock, B. N. Couch, Charles Devens, N. A. M. Dudley, George H. Gordon, Guy V. Henry, E. D. Keys, F. W. Lander, Charles Russell Lowell, Nelson A. Miles, and scores of others whose names will at once rise to the memory at this late day to have this comparatively unknown man paraded on the center of the stage. Until this publication a very large proportion of the veterans of Massachusetts have been ignorant of the fact that Gen. Adams ever was in the Army. He made absolutely no mark during the war, and since then has held aloof from the Grand Army and the Loyal Legion, with possibly good reasons for keeping himself in the background. That he should have so held himself aloof during all these years from every effort to benefit his comrades and advance their interests and only now comes into the limelight when he sees a good chance to strike at them is a most serious revelation of his character.

Charles Francis Adams, jr., was the son of Charles Francis Adams, then our minister to England, the grandson of John Quincy Adams, sixth President of the United States, and the great-grandson of John Adams, the second President. A man of such distinguished parentage had unusual opportunities for rendering distinguished service to the country had he been a zealous patriot, and as an officer of a splendid Cavalry regiment he should have been continually doing very notable things had he been so minded. It is incomprehensible how a man of such relations and acquaintances and in such a position managed to get through the war without doing something that would attract attention and bring him commendation. As a major in that splendid fighting regiment—the First Massachusetts Cavalry—it is hard to see how, in all the varied services of the regiment, he escaped doing something which would find a prominent place in the Records of the Rebellion and the reports of his superior officers, but the voluminous Records of the Rebellion are singularly sterile of mention of anything accomplished by Charles Francis Adams, jr., as Lieutenant, captain, and major of the First Massachusetts Cavalry. The longest mention of him is in a report by Charles H. T. Collis, of driving away the enemy from a bridge near Guinea Station May 21, 1864, when he had with him the Sixty-eighth and One hundred and fourteenth Pennsylvania and a squadron of the First Massachusetts Cavalry, under Capt Adams. He says:

"I deployed my infantry as skirmishers, moved rapidly forward, and directed Capt. Adams to move through the woods on my left to the enemy's right flank, attack him in reverse, and capture his right wing. Capt. Adams, however, owing to the swampy nature of the ground, was unable to execute this order. Having driven the enemy to Catlett's house, I was relieved by a brigade of the Fifth Corps and returned to headquarters."

In the severe fighting at Aldie, Middleburg, and Upperville, in which the First Massachusetts Cavalry suffered severely and several of the officers are commended for gallantry and dash, Col. Sargent's mention of Capt. Adams is confined to the fact that he commanded the Third Squadron, which remained on a hill in the rear. In 1864 Maj. Adams succeeded in getting promotion to the lieutenant colonelcy of the Fifth Massachusetts Cavalry, a colored regiment which was being raised, and he shortly succeeded to the colonelcy. There are a number of complaints from superior officers as to the lack of drill, discipline, and efficiency of the Fifth Massachusetts Cavalry, and the most important allusion to Gen. Adams in the whole 128 volumes of 138,579 pages of the Rebellion Record is the following, found on page 827, Volume XLVI:

HEADQUARTERS UNITED STATES FORCES,
Petersburg, Va., April 18, 1865.

COMMANDING OFFICER, FIFTH MASSACHUSETTS CAVALRY.

Sir: The major general commanding directs that you keep small pickets of observation on both sides of the railroad from near the camp of the Twenty-fifth Corps on the south, moving west far enough to cover your position on the railroad and for some distance along the river on the north. Send out daily a small scouting party in different directions from your camp for a distance of 7 to 10 miles with the strictest orders to arrest all pillagers from any command whatever, to investigate and report on all cases of pillage heard of, and to observe the most perfect order. The general commanding is much pleased at the report of the inspection of yesterday, which, together with the arrest of Col. Adams, had been ordered from department headquarters in consequence of the very numerous complaints against the regiment. It is incumbent on the regiment now to remove the bad impression against it not only by the strictest attention to its own conduct and discipline but by detecting and arresting some of those whose outrages on person and property have been charged against itself.

Very respectfully, your obedient servant,

J. M. HOWARD,
Assistant Adjutant General.

Massachusetts in the War, a bulky volume, though not by any means as large as it should be, gives in some detail the services of most of the Massachusetts men who distinguished themselves during the war. The allusions to Gen. Adams are markedly meager, there being only three in the volume of 1,029 pages. The first is on page 743, in the history of the First Massachusetts Cavalry, where he is merely mentioned as first lieutenant of Company H, and in all the long history of the regiment he is given no other mention. The second is on page 783, in the history of the Fifth Massachusetts Cavalry, where he is mentioned as arriving in camp on September 8, 1864, and taking command of the regiment. Next is his promotion to the colonelcy and the regiment taking the field for the closing campaign. Then there is this remark:

"Col. Adams, being prostrated by sickness, was obliged to resign August 1, having been absent for some time, and the vacancy was filled by the promotion of Lieut. Col. Samuel E. Chamberlain."

Col. Chamberlain was a fine soldier, who had made an excellent record in the First Massachusetts Cavalry, and immediately upon his taking command the regiment's tone greatly improved. The third mention is a brief statement of Adams's service in the militia, his various promotions, and his resignation. On what some one has termed the "gory March 13, 1865," when brevets of general were given out by the handful to majors, lieutenant colonels, and colonels, and, in fact, to about everybody who asked for them, especially to those who supported President Johnson, Col. Adams received a brevet as brigadier general, standing 1,542 in the long list of more than 2,500.

Whenever a man turns around and assails his comrades it is generally safe to assume that he is gnawed by envy of those who have made a better record than he, and Gen. Adams forms no exception to

the rule. Although a voluminous writer, he has never lifted his pen to extol the services of the Massachusetts comrades, and now only comes into print to belittle and disparage them. We have given sufficient reason why he should feel out of touch with his comrades, never having mingled with them in any of their meetings, and now appear as a vindictive assailant.

In conclusion, we reiterate our unbounded astonishment that a man of such distinguished ancestry, with such unusual political and social relations, should have remained on the pay roll of the Army for four years without ever having done anything thought worthy of commendation by any of his superior officers.

Mr. RUSSELL. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. LITTLEPAGE] three minutes.

Mr. LITTLEPAGE. Mr. Speaker, there are two reasons why I am in favor of these bills. In the first place, the last two Democratic national conventions declared in favor of reasonable pensions to the old Union soldier. I was elected on a platform of that kind, and I believe in carrying out platform pledges. [Applause.] There is another reason why I am in favor of pensioning the old soldier. There is not one man on the floor of this House now, and there has not been in 40 years, who would desire to see this Government divided against itself. I believe in taking care of the people who, with their life-blood, with their time and their services, in their youth preserved the Union. Those are my sentiments. [Applause.]

Mr. CALLAWAY. Will the gentleman yield?

Mr. LITTLEPAGE. I have but three minutes. I want to say in behalf of the Pension Committee that I came here to follow, as best I knew how, the leadership on the Democratic side of this House. I came here to "stand hitched," and I think I have stood that way up to date, and I expect to continue to do so. I want to say to my friends that although 47 years have passed and gone, during which time the people of this great country have been trying to get together and are together, and everybody trying to blot out the Mason and Dixon line, it would seem, from the actions of one or two Members, at least, that is was only yesterday when Sherman marched through Georgia. This Pension Committee is a deserving one. They have worked hard, early and late. I take it that everybody here is honest and wants to be honest and act in a kindly spirit and with malice toward none, but with charity for all. I ask my Democratic brethren, the very few who have attacked that committee so vigorously, to stop. If not, wait by the wayside and ascertain if you are not using very strong language about your brother Congressmen.

You have heard the story of what the boy said to the preacher. The preacher came along and knocked the boy down. The former said, "It is an accident, son; I beg your pardon, and I am mighty sorry." The boy got up and said, "You can go to —, asking my pardon after knocking me down." [Laughter.]

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. LITTLEPAGE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

Mr. THISTLEWOOD. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. THISTLEWOOD] makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. TRIBBLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

Mr. KENDALL. Mr. Speaker, I make a similar request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RODDENBERRY. Mr. Speaker, there are more signs of improvement to-day and increasing all the time. Four weeks ago no amount of chiding and no interrogation could induce a Member to rise and utter a word. Now in 20 short minutes we hear from West Virginia, we hear from Iowa, we hear from Illinois; indeed, we hear from all sections. Not only that, but gentlemen heretofore speechless want all the time they can get and even cry aloud for the right to extend their remarks in the Record. Let the good work go on, brethren.

I told you then you would not always treat this subject with silence and contumely; that prophecy is fulfilled more speedily than I anticipated. Ah, you defend the committee; you defend Georgia; you defend the old soldier. Why, in the name of courage and public decency, do you not defend these infernal frauds written in this bill, which no man yet has dared rise on the floor and undertake to justify? Why do you dodge behind the old soldier, crippled in battle, whom none of us would deny a liberal pension? Instead of seeking that refuge, why do you not step out in the open and explain why you pension a mock soldier who enlisted but six days before the sur-

render at Appomattox and never saw a battle? The war was over before he reached the scene, yet he has drawn \$5,000 from the Treasury as a war hero, and now you double his pension by this bill. Why do you not defend that? You dare not try it. Talk about the gentlemen from Georgia indiscriminately assaulting anyone. Sirs, we have given instances of deserters and imposters in these bills name by name, and item by item, and put them in the Record. You dodge them now; you will answer them later on. You come to-day, for the first time in the parliamentary history of legislative procedure, and move to suspend the rules—suspend all rules—and pass 250 private pension grabs, subject to no amendment, no right of recommitment, no right of consideration, no right of five-minute-rule debate. Every vestige of deliberation denied, save 20 minutes to each side. Your tyrannic rule does not save you anything to-day. I could not have used more time, for want of strength, if it had been allowed. If these are all good and honest cases, why do you not permit other Members an opportunity to consider them and to discuss them? Why do you not yourselves want time in which to substantiate them? They are fraudulent and they are base. Gentlemen, one thing more:

Four weeks ago the committee brought in about 400 private pensions; two weeks ago you came in with 290; and to-day, two weeks later, you come with 250. For this decrease you are to be congratulated. I am candid to say, there is less of fraud, there are fewer of \$50 increases, there is less of desertion, there are fewer of treacherous soldiers rewarded here, than in the previous bills. For that the scar-worn soldier and the tax bearers of the country, I have no doubt, will be grateful. A few Members talk of filibuster. Notwithstanding this pending gag rule, if there had been a desire to filibuster and delay, you would have had no vote to-day. Who is filibustering? The rankest of all filibusters against the taxpayer whom we represent is to pass a law with the people's public servants gagged. The alleged filibusters we have conducted have been to force debate, to obtain consideration, to compel a hearing, and to procure deliberation to be followed by a vote. That is the only filibuster I countenance. The filibuster you perpetrate at this hour is indefensible. It is undemocratic, and does not comport with past utterances of Members on this side protesting against this very procedure, whom we may quote hereafter when our strength permits. This sort of gag-rule legislation is contrary to the platform and propaganda on which many of you were elected here. Antigag rule, anticut-off debate, antisnap judgment, anti-Cannonism, was your "stock in trade" campaign slogan. Defend your conduct in passing this rule before the voters when you go home if you can. If I had the time and endurance I would like to go through 50 more names in this bill, taking them up one by one, and challenge you on the floor to defend them. You would not do it, judging by the fact that you have not done it on former occasions. On this rule and on this character of legislation, the fight is just begun. No motion to arbitrarily shut off fair consideration, denying the right of amendment and debate, will deter it.

The SPEAKER. The time of the gentleman from Georgia [Mr. RODDENBERRY] has expired.

Mr. RUSSELL. Mr. Speaker, the gentleman from Georgia [Mr. RODDENBERRY] congratulates the House that more Members have participated in this debate and consumed more time than on former occasions. I congratulate the House and the country on the fact that he has not consumed as much time to-day as he has on former occasions. [Applause.] I confess that this is a new method of passing a bill of this sort, without the privilege of offering or considering amendments and with but limited debate, but I believe, and your committee believes, and I think the House believes, that the peculiar performances that we have witnessed here on former occasions when these bills have been considered by the House fully justify this action to-day. [Applause.]

I believe that most of the Members have confidence in the integrity, in the diligence, and in the fidelity of the membership of the different committees of this House. [Applause.] During my short service I have served on five committees, and I have had more or less business before other committees, and I have become perfectly convinced that all of the committees of this House act honestly and faithfully in the discharge of their duties. We indulge the hope that our committee has so conducted itself as, at least in a measure, to win your confidence, and, if so, will try in the future to so discharge our duties as to merit its continuation. [Applause.]

We witness here almost every week the passage of bills that carry millions of dollars, in which almost every Member of this House, without a word of protest, without a question, accepts the statement of facts and trusts the judgment of the commit-

tees that report the bills, and vote for them without any question or criticism. [Applause.]

If I thought that these gentlemen were asking questions to-day in good faith I would not object, and there would not be objections on the part of other members of this committee, to giving them as full information as possible. I will not question their sincerity, and I do not want to question any man's motives, but I will say that their actions have been very inconsistent. On the last day when we were considering pension bills of the same character as this bill to which these gentlemen are now objecting they then stubbornly fought three particular items in one of those bills for the relief of three widow women, and the grounds alleged for the antagonism of these gentlemen was that our committee had improperly and unjustly given those widows each \$12 a month. Yet at the conclusion of the consideration of that bill, and at the end of their aimless and useless filibuster, these gentlemen, or one of them, made a motion to recommit the bill and to increase the pensions of all three of these widows to \$20 a month, and these objectors all voted for that motion. That kind of consistency may be admired in some localities, but it would not win either admiration or votes in the district that I represent. [Applause.]

Now, just one word with reference to the objection that is made here to the bill by the gentleman from Georgia [Mr. TRIBBLE]. He produced the impression upon my mind—and I find that the membership of this House understood him to say what I understood him to say—that we were in this bill recommending a pension for the benefit of a woman who had run away with a negro. The fact is that the widow in the case referred to is one who married a husband whose former wife had run away with a negro, and this woman to whom we recommended that a pension be granted had nothing whatever to do with the former wife or her elopement. [Applause.]

Has it come to the point where gentlemen in this House have become so antagonistic to the old Union soldiers who fought and preserved the life of the Union that they must attempt to make this sort of false impression upon the membership of this House for the purpose either of trying by prejudice to defeat or for the purpose of criticizing a just bill? [Applause.]

Mr. TRIBBLE. Mr. Speaker, will the gentleman yield to me, so that I can ask a question?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Georgia?

Mr. RUSSELL. My time is short. It must be a very brief question.

Mr. TRIBBLE. Did I not ask the gentleman to read it? Standing here in my place, did I not ask the Members to read it?

Mr. RUSSELL. I did not so understand. I understand that other gentlemen in this House understood the gentleman from Georgia as I understood him, and that was that this widow had run away with a negro. Has the time come when a good woman, a widow of a Union soldier, as the report here shows, who is now 75 years of age, and who is sick, feeble, and poor, is to be punished because a former wife of her husband ran away with a negro? May God forbid that such methods of unfairness and injustice shall prevail! [Applause.]

Mr. TRIBBLE. Mr. Speaker, will the gentleman yield to me for a question?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Georgia?

Mr. RUSSELL. No; I have not the time, and, moreover, the gentleman, when he had the floor, refused to yield to me.

The SPEAKER. The gentleman from Missouri declines to yield.

Mr. RUSSELL. Mr. Speaker, your committee undertakes to act as an equitable tribunal. The point made by the gentleman from Georgia, that the Pension Department has turned down some of the cases in which we have recommended the granting of pensions, is true, because if the applicants could get the pensions at the Pension Bureau there would be no necessity for the introduction and enactment of special bills. But it has always been the policy of Congress—and it is the policy of Congress to-day—to go further than the general law goes in enacting these special bills, and to grant to those who are poor and unable to work special bills in cases not covered by the general pension laws. I admit that we go further than the general law in giving relief in meritorious cases; otherwise there would be no sense or purpose in or necessity for passing special bills of any sort. Your committee tries to give to all bills referred to it as careful attention as is possible, with no purpose in view except the faithful discharge of our duties to the public and to give to the brave old soldiers who preserved the life of the Union in the hour of its peril and their widows simple justice. [Applause.]

The SPEAKER. The time of the gentleman has expired. All time has expired. Those in favor of suspending the rules and passing the bill will answer "aye," those opposed "no." [After counting.] In the judgment of the Chair—

Mr. RODDENBERRY. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 86, noes 7.

Mr. RODDENBERRY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of suspending the rules and passing the bill will, when their names are called, answer "yea," those opposed "nay."

The question was taken; and there were—yeas 193, nays 34, answered "present" 14, not voting 152, as follows:

YEAS—193.

Aiken, S. C.	Dwight	Knowland	Roberts, Nev.
Ainey	Dyer	Konop	Rodenberg
Akin, N. Y.	Esch	Kopp	Rouse
Allen	Fergusson	Korbly	Rubey
Anderson, Minn.	Ferris	Lafferty	Rucker, Mo.
Anderson, Ohio	Fitzgerald	Lamb	Russell
Andrus	Floyd, Ark.	Lawrence	Shackelford
Ansberry	Fordney	Lee, Pa.	Sharp
Ashbrook	Fornes	Lenroot	Sherley
Austin	Foss	Lewis	Sherwood
Ayres	Poster, Ill.	Lindbergh	Simmons
Bathrick	Powder	Littlepage	Slomp
Boehne	Francis	Lloyd	Sloan
Booher	French	Lobeck	Smith, J. M. C.
Bowman	Gardner, Mass.	Longworth	Smith, Saml. W.
Browning	Gardner, N. J.	Loud	Speer
Buchanan	Garrett	McKinney	Steenerson
Bulkey	George	McLaughlin	Stephens, Cal.
Burke, Pa.	Gillett	Madden	Stephens, Nebr.
Burke, S. Dak.	Goldfogle	Maguire, Nebr.	Sterling
Burke, Wis.	Good	Malby	Stone
Burnett	Graham	Mann	Sulloway
Campbell	Gray	Martin, Colo.	Sulzer
Cannon	Green, Iowa	Miller	Sweet
Cantrill	Greene, Mass.	Mondell	Switzer
Carter	Gregg, Pa.	Morgan	Taggart
Catlin	Gudger	Moss, Ind.	Talbott, Md.
Connell	Hamilton, Mich.	Murdock	Talcott, N. Y.
Conry	Hamilton, W. Va.	Murray	Taylor, Colo.
Cooper	Hamlin	Neeley	Taylor, Ohio
Cox, Ind.	Hammond	Nelson	Thomas
Cox, Ohio	Hanna	Norris	Tilson
Crago	Hardwick	Nye	Towner
Crumpacker	Hartman	Olmsted	Turnbull
Curley	Hayes	O'Shaunessy	Underhill
Currier	Hensley	Patten, N. Y.	Underwood
Danforth	Higgins	Pepper	Volstead
Daugherty	Hill	Pickett	Warburton
Davenport	Holland	Plumley	Watkins
Davis, W. Va.	Howland	Porter	Whitacre
Denver	Hughes, N. J.	Post	White
Dickinson	Hughes, W. Va.	Pou	Willis
Difenderfer	Hull	Powers	Wilson, N. Y.
Dodds	Jackson	Pray	Wilson, Pa.
Donohoe	Kahn	Rainey	Woods, Iowa
Doughton	Kendall	Raker	Young, Kans.
Draper	Kennedy	Rees	
Driscoll, M. E.	Kinkead, N. J.	Reilly	
Dupré	Kitchin	Riordan	

NAYS—34.

Bartlett	Faison	Johnson, S. C.	Slayden
Byrnes, S. C.	Flood, Va.	Jones	Stedman
Byrns, Tenn.	Garner	Lee, Ga.	Stephens, Miss.
Callaway	Godwin, N. C.	Lever	Tribble
Candler	Goodwin, Ark.	Moore, Tex.	Wickliffe
Carlin	Harrison, Miss.	Page	Witherspoon
Clayton	Heflin	Roddenberry	Young, Tex.
Collier	Humphreys, Miss.	Sims	
Cravens	Jacoway	Sisson	

ANSWERED "PRESENT"—14.

Adamson	Focht	Houston	Needham
Bates	Glass	Linthicum	Thistlewood
Burgess	Hawley	McCall	
Davis, Minn.	Hay	Moon, Pa.	

NOT VOTING—152.

Adair	Claypool	Finley	Howard
Alexander	Cline	Foster, Vt.	Howell
Ames	Copley	Fuller	Hubbard
Anthony	Covington	Gallagher	Hughes, Ga.
Barchfeld	Cullop	Goeke	Humphrey, Wash.
Barnhart	Curry	Gould	James
Bartholdt	Dalzell	Gregg, Tex.	Johnson, Ky.
Beall, Tex.	Davidson	Griest	Kent
Bell, Ga.	De Forest	Guernsey	Kindred
Berger	Dent	Hamill	Kinkaid, Nebr.
Bingham	Dickson, Miss.	Hardy	Konig
Blackmon	Dies	Harris	Lafean
Borland	Dixon, Ind.	Harrison, N. Y.	La Follette
Bradley	Doremus	Haugen	Langham
Brantley	Driscoll, D. A.	Hayden	Langley
Broussard	Edwards	Heald	Legare
Brown	Ellerbe	Helgesen	Levy
Burleson	Estopinal	Helm	Lindsay
Butler	Evans	Henry, Conn.	Littleton
Calder	Fairchild	Henry, Tex.	McCoy
Cary	Farr	Hinds	McCreary
Clark, Fla.	Fields	Hobson	McDermott

McGillcuddy	Mott	Richardson	Stanley
McGuire, Okla.	Oldfield	Roberts, Mass.	Stephens, Tex.
McHenry	Padgett	Robinson	Stevens, Minn.
McKellar	Palmer	Rothermel	Taylor, Ala.
McKenzie	Parran	Rucker, Colo.	Thayer
McKinley	Patton, Pa.	Sabath	Townsend
McMorran	Payne	Saunders	Tuttle
Macon	Peters	Scully	Utter
Maher	Prince	Sells	Vreeland
Martin, S. Dak.	Prouty	Sheppard	Webb
Matthews	Pujo	Small	Wedemeyer
Mays	Randell, Tex.	Smith, Cal.	Weeks
Moon, Tenn.	Ransdell, La.	Smith, N. Y.	Wilder
Moore, Pa.	Rauch	Smith, Tex.	Wilson, Ill.
Morrison	Redfield	Sparkman	Wood, N. J.
Morse, Wis.	Reyburn	Stack	Young, Mich.

So (two-thirds voting in the affirmative) the rules were suspended, and the bill was passed.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. FORNES with Mr. BRADLEY.

Mr. PUJO with Mr. MCMORRAN.

Until further notice:

Mr. HINDS with Mr. GOULD.

Mr. CLARK of Florida with Mr. LANGHAM.

Mr. SHEPPARD with Mr. BATES.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. PARRAN with Mr. HOWARD.

Mr. BARNHART with Mr. CRUMPACKER.

Mr. DIXON of Indiana with Mr. NEEDHAM.

Mr. LITTLETON with Mr. DWIGHT.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. LINTHICUM with Mr. BUTLER.

Mr. MAHER with Mr. CALDER.

Mr. BELL of Georgia with Mr. PRINCE.

Mr. DANIEL A. DRISCOLL with Mr. DE FOREST.

Mr. BEALL of Texas with Mr. HAWLEY.

Mr. FIELDS with Mr. LANGLEY.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. DENT with Mr. DAVIS of Minnesota.

Mr. RAUCH with Mr. LAFEAN.

Mr. HENRY of Texas with Mr. MCKINLEY.

Mr. MACON with Mr. SMITH of California.

Mr. GALLAGHER with Mr. FULLER.

Mr. OLDFIELD with Mr. BINGHAM.

Mr. PADGETT with Mr. PAYNE.

Mr. ADAIR with Mr. ANTHONY.

Mr. BLACKMON with Mr. BARCHFELD.

Mr. BRANTLEY with Mr. BARTHOLDT.

Mr. BURLESON with Mr. FARR.

Mr. CLAYPOOL with Mr. FOSTER of Vermont.

Mr. CLINE with Mr. CURRY.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. DIES with Mr. GRIEST.

Mr. ELLERBE with Mr. HARRIS.

Mr. FINLEY with Mr. HAUGEN.

Mr. GREGG of Texas with Mr. HEALD.

Mr. HARRISON of New York with Mr. HENRY of Connecticut.

Mr. HAYDEN with Mr. HELGESEN.

Mr. HELM with Mr. HOWELL.

Mr. HUGHES of Georgia with Mr. HUBBARD.

Mr. KINDRED with Mr. KENT.

Mr. JOHNSON of Kentucky with Mr. KINKAID of Nebraska.

Mr. LEGARE with Mr. MCCREARY.

Mr. MCCOY with Mr. LA FOLLETTE.

Mr. MCKELLAR with Mr. MCGUIRE of Oklahoma.

Mr. MOON of Tennessee with Mr. MCKENZIE.

Mr. PALMER with Mr. MARTIN of South Dakota.

Mr. PETERS with Mr. MATTHEWS.

Mr. ROTHERMEL with Mr. MOORE of Pennsylvania.

Mr. RUCKER of Colorado with Mr. MORSE of Wisconsin.

Mr. SABATH with Mr. MOTT.

Mr. SAUNDERS with Mr. PATTON of Pennsylvania.

Mr. SMALL with Mr. PROUTY.

Mr. SMITH of New York with Mr. REYBURN.

Mr. SMITH of Texas with Mr. ROBERTS of Massachusetts.

Mr. STACK with Mr. SELLS.

Mr. STANLEY with Mr. UTTER.

Mr. STEPHENS of Texas with Mr. VREELAND.

Mr. TAYLOR of Alabama with Mr. WILDER.

Mr. TOWNSEND with Mr. WILSON of Illinois.

Mr. TUTTLE with Mr. WOOD of New Jersey.

Mr. WEBB with Mr. YOUNG of Michigan.

Commencing March 21, ending March 23:

Mr. EDWARDS of Georgia with Mr. WEDEMAYER.

Commencing Wednesday, March 20, ending Monday, March 25:

Mr. MORRISON with Mr. COPELY.

Commencing Thursday, ending March 24:

Mr. JAMES with Mr. McCALL.

Ending April 5:

Mr. THAYER with Mr. AMES.

Commencing March 20, ending April 5:

Mr. CULLOP with Mr. FOCHT.

For the rest of the day:

Mr. ALEXANDER with Mr. HUMPHREY of Washington.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. HARDY with Mr. DALZELL.

Commencing March 11, ending April 2, inclusive:

Mr. BURGESS with Mr. WEEKS.

Mr. DAVIS of Minnesota. Mr. Speaker, I find that I am paired with the gentleman from Alabama, Mr. DENT. I voted "aye," and I wish to withdraw that vote and answer "present."

The Clerk called the name of Mr. DAVIS of Minnesota, and he answered "Present," as above recorded.

Mr. THISTLEWOOD. Mr. Speaker, I voted "aye," but I find I am paired with the gentleman from Florida, Mr. MAYS. I wish to withdraw my vote and answer "present."

The Clerk called the name of Mr. THISTLEWOOD, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. A quorum is present; and two-thirds having voted in the affirmative, the rules are suspended, and the bill is passed. The Doorkeeper will open the doors.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 11824. An act to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1912.

H. R. 17671. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

COMMITTEE ON ELECTIONS NO. 3.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 456.

Resolved, That the Committee on Elections No. 3 be, and it hereby is, authorized to send for ballots cast for Representative in Congress in the third congressional district of Connecticut, at the election held in November, 1910, and that such ballots be brought from said congressional district by such person as may be designated by the committee or its chairman, and the expenses incurred therefor shall, upon vouchers approved by the chairman of the committee, be paid out of the contingent fund of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

PANAMA CANAL.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, submitted the views of the minority on the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Isthmian Canal and the sanitation and government of the Canal Zone, which were ordered to be printed in the RECORD, as follows:

VIEW OF THE MINORITY.

[H. Rept. 423, pt. 2, to accompany H. R. 21969.]

Firmly convinced that the United States has the right to relieve American ships engaged in the coastwise trade from the payment of toll charges through the Panama Canal, the undersigned members of the Committee on Interstate and Foreign Commerce dissent from the report accompanying House bill 21969 submitted by the majority of the committee.

This bill, in so far as it provides for levying tolls upon vessels engaged in commerce between the States, is entirely new in American history. From the beginning of the Government to the present time, notwithstanding that we have appropriated \$627,098,236.05 for the improvement of rivers and harbors and the construction of canals, exclusive of the Panama Canal, it has never entered into the conception of Congress to erect a tollgate in the path of our domestic trade, for the benefit of which these improvements have been made.

The minority enters an emphatic protest against the abandonment in this bill of our historic policy of free commercial intercourse between the States. This great canal, built for the American people by American money, genius, and enterprise, should be forever a free and untrammelled competing route with transportation by land. We can not

emphasize too strongly the elementary proposition that tolls levied upon vessels engaged in commerce between our eastern and western seaboard increase the amount the transcontinental railroads may charge for the same service. If a vessel en route from San Francisco to New York through the canal were required to pay \$10,000 in tolls, the transcontinental railroads would largely be the beneficiaries. This question affects every ton of domestic freight that passes through the canal and every ton that is carried across the country by the railroads.

The talk of "subsidizing" the shipping interests at the expense of the American people is mere sophistry and only begets the issue. The tolls imposed at the canal would be added to the freight and paid by the American people who consume the commodities. We hold this proposition to be fundamental; and viewed in this light, free tolls to our coastwise trade would not be a subsidy to shipowners, but a concession to the American people. Free tolls at the Panama Canal to our coastwise trade would be the same kind of a "subsidy" that was granted to 41,000,000 tons of shipping that passed through the Soo Canal in 1911. It is true that we levy no tolls upon Canadian vessels using the Soo Canal, but that is because American vessels are accorded the same treatment by the Canadian Government at the Welland Canal. By virtue of a reciprocal arrangement we receive our quid pro quo for passing Canadian vessels through the Soo Canal free of charge. We disclaim any antipathy against the railroads, but insist that this initial legislation for the government and management of the Panama Canal shall not take money from the pockets of the American people and give it to the great corporations that have already been munificently treated by the Federal Government.

In a comparatively few instances opposition to free tolls has developed in certain localities in the Middle West based upon the erroneous assumption that any reductions in freight rates between the Atlantic and Pacific seaboard will give the Pacific, Gulf, and Atlantic coast cities an advantage over the Middle West cities in competing for the trade of the intermountain section of the West. There might be some ground for this assumption were it not for the fact that rail freight rates between the Middle West and the Pacific coast never exceed those between the Atlantic and Pacific seaboard, and are frequently lower. Any reduction in rail freight rates forced by sea competition between, say, New York and San Francisco is contemporaneously applied between Chicago, St. Paul, St. Louis, Kansas City, and, in fact, every city of the Middle West on the one hand and every Pacific coast city or town on the other. This always has been so—it always will be so. The selfish interests of the railroads serving the Middle West is the strongest possible guaranty of the perpetuity of this already well-established rate-making system. No road operating between St. Paul and Seattle will permit a lower rail rate to exist between New York and Seattle than exists between St. Paul and Seattle, otherwise St. Paul's trade would be captured by New York.

Therefore if by reason of free tolls to vessels in the coastwise trade freight rates between New York and Seattle are \$1 per ton less than they would be if tolls were charged they will by the same measure be less between St. Paul and Chicago and Omaha and St. Louis and Kansas City, on the one hand, and Seattle and Portland and San Francisco and Los Angeles and San Diego, on the other. It is not for the merchants, manufacturers, producers, and consumers of the Middle West to do other than to heartily favor free tolls. It is to be expected, however, that the railroads serving the Middle West, and for that matter the entire country, will strenuously oppose free tolls and with equal strenuousness advocate the highest tolls possible—the only limit being those charged contemporaneously through Suez. Inasmuch as rates between the entire country east of the Missouri River, on the one hand, and the intermountain section, on the other, are based upon the coast-to-coast rates, it is obvious that free tolls would be equally advantageous to this section as to all other sections of the country. Free tolls can not but minimize rail freight rates on all the manufactures of the Atlantic seaboard and the Middle West, the products of the great Mississippi Valley, and those of the Pacific coast, to the ultimate advantage of the producers and consumers throughout the entire country. Nor are reductions in rail rates the only advantages which the people of the great interior of our country are to reap from free tolls. They have even a more direct interest.

Much of the commerce of the great Mississippi Valley will flow down the rivers which drain it to the Gulf and thence through the canal to the Pacific coast. Likewise Pacific coast products will, under free tolls, to a large extent eventually be distributed throughout the Middle West via her waterways. The completion of the Lakes to Gulf waterway project will make it not alone possible, but practicable to exchange Pacific coast lumber for Lake Superior ore without either commodity touching the floor of a freight car. Every burden placed upon traffic through the canal impairs its usefulness as a competitive route and decreases its benefits to the American people.

We are glad to note that in one section of the report the majority agrees with the minority that free tolls will be advantageous to the interior of the country. On page 12 the majority report states:

"By that means (as provided by section 11, compelling connection of railroads in through routes and joint rates with water carriers) the benefits of the canal can be distributed through the interior and enable the entire country to enjoy some good therefrom. The railroads can perform a more noble and valuable service of connecting on either coast with coastwise vessels passing through the canal, and by joint rates and through routes afford convenient schedules and fair rates and conditions of commerce to the people living many hundreds of miles inland from both coasts."

We can not too strongly protest against the following language contained in section 5 of the bill:

"No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Company) and the Government of the Republic of Panama observing the rules and regulations of the Panama Canal."

By this language, which is certainly clear and not open to misinterpretation, the United States is practically foreclosed from giving any preference, directly or indirectly, to American ships in the foreign or coastwise trade, for it provides that we may relieve from the payment of tolls only the vessels of the Government of the United States and of the Government of the Republic of Panama and of the Panama Railroad Co. The language amounts virtually to an interpretation in advance of the Hay-Pauncefote treaty adverse to the contention that this Government can, directly or indirectly, favor American shipping through an American waterway upon which we are expending over \$400,000,000.

The report of the majority, in an attempt to explain away this objectionable language, disclaims that it was intended to thus construe the treaty. Regardless of the existence of intent we submit

that the language is capable of no other interpretation. It is also argued that no future Congress would be bound. Directing attention to the fact that this is practically an admission that the language is as objectionable as charged, but acknowledging that it might not bind a future Congress, it is evident that if a controversy arose between this Nation and a foreign power involving an interpretation of the treaty, this language would be cited to prove that the Congress of the United States has itself so interpreted the treaty and thus voluntarily surrendered every commercial advantage and proprietary right incident to the construction of this waterway. As an additional excuse it is charged that in the bill introduced by "the leading champion and signer of the minority views" the same language was used. This statement is incorrect, as could have been easily ascertained by comparing the bills. The bill of the gentleman from California excepted all vessels of the United States (not Government vessels only), and specifically provided for free tolls for American ships in the coastwise trade. This is a matter of public record.

While disclaiming any intention to interpret the Hay-Pauncefote treaty in favor of foreign shipping interests, the majority report proceeds to call attention to the rejection of an amendment offered in the Senate when the treaty was pending reserving to the United States the right to discriminate in favor of vessels of its own citizens engaged in the coastwise trade. It is a matter of record that this amendment, offered by Senator Bard, of California, was rejected by a vote of 27 yeas and 43 nays. On the same day, however, an amendment was offered (see S. Doc. 85, 57th Cong., 1st sess.) reserving the right to the United States to protect said canal in any way it might deem proper. This amendment was rejected on roll call, yeas 27, nays 44, and this was the fate of several other amendments similarly reserving to the United States the right to fortify the canal. It is unnecessary to call attention to the fact that fortifications are now being constructed. With further reference to the Bard amendment we have been granted authority to quote from a letter recently written by Senator Bard, in the course of which he states:

"When my amendment was under consideration it was generally conceded [the italics are his] by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line, and consequently could not be construed as a restriction of our interstate commerce, forbidding the discrimination in charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment."

We contend that our right to favor our own shipping in the matter of canal tolls can not be seriously questioned. The minority is not forced to offer profuse apologies for its position. The message of President Taft sent to Congress in December (H. Doc. 343, 62d Cong., 2d sess.) has the true American ring, and clearly states the case. These are the President's words:

"I am confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same to everyone, but when we are dealing with our own ships, the practice of many Governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, as equivalent remission of tolls, can not be held to be a discrimination in the use of the canal. The practice in the Suez Canal makes this clear."

The Secretary of War, on page 54 of his last annual report, is no less outspoken when he declares:

"Involved in the problem of fixing tolls is the question whether the United States has the right under the treaty to pay the tolls on American vessels using the canal. An examination of the treaty and the surrounding circumstances, to my mind, leaves no doubt as to the right of the United States, both legally and morally, to pay the tolls on its vessels. This is a perfectly recognized practice in respect to the tolls of the Suez Canal, the toll rules of which canal were adopted by the United States in the Hay-Pauncefote treaty for the government of the Panama Canal. At least one of our national competitors in the use of the Panama Canal—Spain—has already taken steps to provide for the payment out of her national treasury of the Panama tolls on one of the Spanish lines which will use that canal. Furthermore, I can see no difference, save in form (provided the tolls for other nations are kept reasonable, as we have also covenanted to do), whether the United States should make this appropriation out of her own Treasury to American vessels, by receiving the toll money from them first and repaying it to them, or by simply relieving them from the payment of tolls in the first place."

Coinciding with these views are those expressed by the Secretary of Commerce and Labor on pages 102 and 103 of his last annual report:

"Every State in the Union with navigable waters crossing its boundaries furnishes precedents of congressional appropriations for the establishment and maintenance of improvements at the continuing expense of the Federal Treasury and without a dollar's help from the vessels which enjoy the advantages of such improvements. Where the future of American shipping is at stake and the domestic commerce of both seaboard and the Gulf is involved, there is no apparent reason to depart from a principle which has been so constantly invoked. * * *

"The Panama Canal is being built in the belief that it will benefit all sections of the country and nearly every form of American industry. Our merchant ships and shipyards are as essential to the Nation as our battleships. They have at least a claim to equal consideration in canal legislation and appropriations with other American industries. Every argument to tax the American merchant ship which uses the canal would apply with equal force to a tax directly on American cotton, lumber, fruit, coal, grain, and other cargo carried by the ship through the canal. It is feasible to use the canal for the promotion of American navigation in a manner consistent with treaty obligations, with precedent at home and abroad, and with our fixed policy of untaxed navigation on improved waterways."

The views of the State Department are well known. The chairman of the Committee on the Merchant Marine and Fisheries, in a recent report from that committee (see Rept. 405, 62d Cong., 2d sess.), expresses views in accord with those above quoted.

The minority disagrees entirely with the view of the majority that the Hay-Pauncefote treaty makes it impossible for Congress to prefer our own vessels engaged in the coastwise trade. That portion of article 3 of the treaty which it is claimed would be violated by preferring our coastwise trade reads as follows:

"The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal, that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality,

so that there shall be no discrimination against such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable."

It is manifest, from the reading of the treaty, that its purpose was to prevent discrimination against other nations. That free tolls to our coastwise vessels would not discriminate against the vessels of other countries becomes apparent when we reflect that under our navigation laws foreign vessels are prohibited from engaging in our coastwise trade. That being true, it is of no concern to foreign nations, their citizens or subjects, what treatment we accord to our coastwise trade.

Foreign nations have not considered that they were violating the rules for the neutralization of the Suez Canal by rebating tolls to vessels flying their own flag. The contemporaneous construction that the powers signatory to the convention of Constantinople have given that instrument supports the position of the minority that we have a perfect right under the Hay-Pauncefote treaty to favor our domestic shipping; and if we have the right to collect the tolls at the canal and repay them, we certainly have the right to remit them in the first instance. It is unnecessary to resort to a device or subterfuge in order to do indirectly what we have a right to do directly.

It will be observed that the treaty provides that "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality," yet this bill expressly reserves the right of the United States Government to pass its own ships of war through the canal without the payment of any tolls. We confess our inability to see the logic or consistency of the position of the majority that free tolls to ships of commerce would be a violation of the treaty, but that free tolls to ships of war would not be a violation of the treaty. The majority seek to justify the right to exempt war vessels of the United States from the payment of tolls under that clause of the treaty which provides that—"the United States enjoys all the rights incident to construction as well as the exclusive right of providing for the regulation and management of the canal."

Under any fair construction of the treaty, however, this language must be considered in connection with the rules that are adopted in the treaty for the regulation and management of the canal. In other words, under the treaty the United States enjoys all the rights incident to the construction as well as the exclusive right of providing for the regulation and management of the canal, subject, however, to the rules therein provided for its regulation and management. These rules, as we have already seen, provide that the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality. If this language was intended to prevent preferring our own vessels, it must apply equally to both vessels of commerce and vessels of war. Such a construction is inconsistent with the very purpose of the canal, which was conceived primarily as a military necessity.

The majority dismissed the case of *Olsen v. Smith* (195 U. S., 332) with the remark that it has no application to the situation with which we are dealing, notwithstanding an examination of the case would have disclosed that on the question of discrimination it is on all fours with the subject we are now considering. In that case the treaty with Great Britain provided that—

"no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States."

The court held that this treaty was not violated by either the Texas statute or the Revised Statutes of the United States, section 4444, exempting coastwise steam vessels from the payment of pilotage charges. In that connection, speaking for the court, Mr. Justice White, now Chief Justice, said:

"Nor is there merit in the contention that as the vessel in question was a British vessel, coming from a foreign port, the State laws concerning pilotage are in conflict with the treaty between Great Britain and the United States, providing that 'no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States.' Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of the vessels of the United States in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even though such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign."

If a treaty with Great Britain providing that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States" is not violated by an exemption in favor of our own vessels engaged in coastwise trade from payment of pilotage charges, it must necessarily follow that the Hay-Pauncefote treaty would not be violated by a similar exemption of our coastwise vessels from the payment of tolls at the Panama Canal.

The Panama Canal is being built on territory which was purchased by the Government of the United States. We will expend in its construction upward of \$400,000,000, and are obligated by treaty to pay the Republic of Panama in perpetuity the sum of \$250,000 annually. We occupy the position of sovereign proprietor of the canal and the Canal Zone, a relation that none of the nine powers signatory to the convention of Constantinople sustained with reference to the Suez Canal. The Hay-Pauncefote treaty should be construed in the light of these facts, and when so construed the minority can not escape the conclusion that in signing, ratifying, and proclaiming this treaty to the world we were merely agreeing to the terms and conditions upon which the United States, the sovereign owner of the canal, would permit its use by the other nations of the world, its citizens or subjects.

While disclaiming any intention of construing the Hay-Pauncefote treaty, the majority in the report that accompanies this bill iterates and reiterates their belief that the treaty renders preference to our coastwise trade impossible. The minority believe in the religious observance of our treaty obligations as essential to the maintenance of our own self-respect and the confidence and friendly regard of other nations; but we refuse to assent to the mere suggestion, to say nothing of the bold declaration, that by the Hay-Pauncefote treaty we have, without consideration, bartered away to a foreign nation the constitutional power of Congress to regulate commerce between the United States and encourage the upbuilding and growth of our domestic shipping.

Since 1884 we have consistently adhered to a policy enunciated in the river and harbor act of that year, section 4 of which provided:

"No tolls or operating charges whatever shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation now belonging to the United States or that may be hereafter acquired or constructed."

The Secretary of the Treasury has recently sent to the Senate in response to a resolution from that body, a letter transmitting information relating to expenditures for rivers and harbors from the establishment of the Government to the close of the fiscal year ending June 30, 1911. (See S. Doc. No. 382, 62d Cong., 2d sess.) This statement shows that the total expenditures upon rivers, harbors, and canals (exclusive of the Panama Canal) has reached the enormous total of \$627,098,236.05. The whole country has borne the burden, and no one has suggested that it be placed solely upon American shipping. It has not been seriously urged that the cost of maintenance even be imposed upon commerce. For instance, \$121,142,554.41 has been spent by the Government upon the Mississippi River, and it is now proposed to expend a greater sum to provide a deep waterway from the Lakes to the Gulf. Upon the Missouri River has been expended \$11,425,056.90, while the Ohio River has been aided by the Government to the extent of \$23,548,338.15. While it might be argued that the people of the Atlantic and Pacific coasts are receiving no direct benefit from these river improvements, they are not urging that those States and interests directly tributary to the Mississippi, Ohio, and Missouri Rivers be singled out to bear the burden of these enormous expenditures.

The enlightened position that the State of New York has taken in the matter of water transportation facilities has a direct bearing upon the question at issue. Since the canals of that State were freed from tolls their ordinary repair and maintenance has averaged about \$1,000,000 a year. There has been appropriated a total of \$147,000,000 for the enlargement and maintenance of these canals since the State declared them to be free of all tolls. If a single State of the Union adopts such a broad policy, can not the Government of the United States afford to exempt vessels in at least the coast-to-coast trade passing through the Panama Canal? The State of New York has also bonded itself in the further sum of \$19,800,000 for the construction of canal terminals. It has never been charged in New York that these vast expenditures benefited only those localities adjacent to the waterways, the taxpayers realizing that the development of commerce by water helped the entire State, as would obviously be the case throughout the country at large.

In answer to those who hold that the Government should at least obtain a revenue from the canal sufficient to cover the operating expenses, which they fear would be impossible if we remitted tolls to American ships in the coastwise trade, we will show from the evidence that tolls can be remitted and a revenue obtained with a toll of \$1 per net register ton upon ships other than those engaged in interstate commerce sufficient to pay double the expense of operation, maintenance, sanitation, and civil government. We will show this in face of the predictions that the canal will be a colossal failure commercially, according to the majority report. We quote from the majority report at page 5:

"There will undoubtedly be some shipping through the canal between our Atlantic coast and the Orient and some between Europe and the Pacific coast, as well as occasional vessels between Europe and various Pacific ports not touching at American ports at all. Our own coastwise ships and Canadian coastwise ships may constitute the great body of that Panama traffic which is at all certain."

Of this coastwise trade, which is to constitute the "great body of the Panama traffic which is at all certain," the majority report again, at page 6, states:

"Only a small per cent of the American people will ship freight in considerable quantities through the canal."

And at the same page above the freight of this "small per cent of the American people," we are assured, will be carried by a few ships, "for only a few will be needed." If such were the facts, then \$375,000,000 have been wasted on a commercial travesty more absurd than some of the creeks which in bygone years were the objects of congressional solicitude and appropriation and of public ridicule. This line of argument recalls the line of attack upon the proposition to build the canal at all which was followed by the transcontinental railroads until the force of public opinion overwhelmed it.

If it were true, then the canal is justifiable only as a factor of the national defense. If that be the contention of the majority, the recommendation that American coastwise commerce be singled out to pay for it is absolutely indefensible. If the canal is a factor of the national defense, the cost of upkeep should be paid for not by a direct levy on domestic commerce in time of peace, but by appropriations from the Treasury precisely as every other form of national defense is paid for.

The quoted statements in the report of the majority do not correspond with facts, to which all the rest of the world has easy access. The records kept by the Panama Canal Co., based on a study of actual ships' voyages, showed that in 1899 the trade contributions to a Panama Canal might have comprised 2,375,071 net registered tons in trade between Europe and the Pacific coasts of the Americas, 1,271,357 net tons in trade between Atlantic America and the Orient, and 202,149 net tons in trade between the Atlantic and Pacific coasts of the two Americas; in all, 3,848,577 net tons. The Walker Isthmian Canal Commission (Report of Isthmian Canal Commission, Text p. 654, Government Printing Office, 1904) reported the tonnage which might have used an isthmian canal in 1899 was "5,001,798 tons, or approximately 5,000,000 tons." In the annual message of President Taft of December 6, 1910, he quoted one of the Walker Commission to the effect that:

"The total tonnage of the vessels employed in commerce that could use the Isthmian Canal in 1914 would amount to 6,843,805 tons net register, and that this traffic would increase 25.1 per cent per decade."

Finally, at the hearings before the committee only six weeks ago, Prof. Emory R. Johnson, employed by the Government especially to make traffic computations, and whose estimates are generally regarded as very conservative, reported that the net register tonnage of vessels that might have advantageously used a Panama Canal in 1909-10 was 8,328,029 net tons. We quote the statement of Prof. Johnson, found on page 698 of the printed committee hearings:

"It was found in 1899-1900 that 5,000,000 tons net register of shipping was then available for the use of the Panama Canal. The increase during the 11 years ending June 30, 1910, was 66½ per cent, or at the rate of 59 per cent per decade. That rate of increase, projected to 1914-15, would mean an increase of 26.8 per cent during the 5 years following 1910, which would bring the total of 8,328,000 to 10,000,500 tons at the time of the opening of the canal."

Of this total it is estimated that but 1,160,000 net register tons will be coast to coast traffic. (See statement Prof. Johnson, committee

hearings, p. 705.) We have shown that since 1899 all the estimates of possible canal traffic have been understatements, and in our opinion this is due to the fact that few have anticipated the wonderful growth in ocean steam navigation. When the Suez Canal was opened in 1869 the world's shipping comprised 16,042,498 net tons sail vessels and only 2,793,432 net tons steam vessels. In 1911 the world's tonnage comprised 22,338,549 net tons steam vessels and only 6,152,977 tons sail vessels. The canal as constructed can handle, according to the estimate of Col. Goethals (committee hearings, p. 413), 80,000,000 tons a year.

No estimate has been or can be prepared which will give its business for 1915 at less than 8,000,000 net tons, and we are inclined to the view that Prof. Johnson's estimate of 10,500,000 net register tons is very conservative. We are compelled to conclude, therefore, either that the most gigantic engineering blunder of the ages has been made at Panama or that our colleagues on the committee have failed to digest and profit by the "volume of valuable if not exhaustive information covering the canal subject in all its phases, origin, stages, progress, and future," which we all have labored unremittingly for a long time to assemble "for the use of Congress and the public."

The majority report (p. 4) states that "it will require \$4,000,000 or \$5,000,000 a year to maintain and operate the canal and administer its adjuncts."

The careful and detailed estimates of Col. Goethals show that the total annual cost of the operation and maintenance of the canal, including the cost of sanitation and civil government, will not exceed \$4,000,000, and that it is hoped to realize a profit from the sale of supplies, etc., to bring this down to \$3,500,000. (See committee hearings, pp. 410, 411, 415, and 417.) Analyzing the figures of Prof. Johnson, we find that a toll of \$1 per net register ton would bring in a total annual revenue during the first year, exclusive of passenger tolls, of \$10,500,000. Subtracting the interstate commerce traffic (American coastwise) which Prof. Johnson estimates at 1,160,000 tons, we would still have an annual revenue of \$9,340,000, more than double the operating expenses, with the tonnage annually increasing.

We resent the charge, contained on page 6 of the majority report, that "this small shipping interest has secured recommendations from some trade organizations in various coast cities of the country on the erroneous theory that shippers would secure the benefits of the remitted tolls." These "trade organizations," which are spoken of so sneeringly, are not all located in coast cities. For instance, the Lakes-to-the-Gulf Deep Waterways Association, which unanimously passed the following resolutions, is not a coast organization:

"The policy of free waterways is fundamental with the American people, and hence this association declares that this principle should be extended to our coastwise trade through the Panama Canal."

The 1,200 delegates attending the National Rivers and Harbors Congress, which convened in Washington last December, were not influenced by the "small shipping interest." We might likewise mention the Boston Chamber of Commerce, the National Board of Trade, the Navy League of the United States, the Philadelphia Chamber of Commerce, the New Orleans Progressive Union, the Chamber of Commerce of New York, the New York Board of Trade and Transportation, the Merchants' Association of New York, the Maritime Association of the Port of New York, and various other representative bodies, these resolutions being appended as a part of this report.

We contend that no better opportunity was ever offered for the development of an American merchant marine and the establishment of a fleet of naval auxiliaries which would be available in time of war.

There is no doubt that the founders of the Government and the framers of the Constitution intended to provide for free and unrestricted commerce between the States. Certain it is that such has been our national policy from the beginning. It would be a cause for sincere regret to all lovers of this ancient institution if now, at the threshold of the opening of this great canal, fraught with such wonderful commercial possibilities to the American people, we should depart from the path that has so long been pursued.

ROBERT F. BROUSSARD.
HENRY M. GOLDFOGLE.
FRANK E. DOREMUS.
JOSEPH R. KNOWLAND.
WILLIAM M. CALDER.

APPENDIX.

RESOLUTIONS INDICATING PUBLIC SENTIMENT THROUGHOUT THE COUNTRY IN FAVOR OF FREE TOLLS FOR AMERICAN SHIPS IN THE COASTWISE TRADE THROUGH THE PANAMA CANAL.

Resolutions unanimously adopted by the Lakes-to-the-Gulf Deep Waterways Association at the sixth annual convention, Chicago, Ill., October 12, 13, 14, 1911:

"The policy of free waterways is fundamental with the American people, and hence this association declares that this principle should be extended to our coastwise trade through the Panama Canal."

Resolutions unanimously adopted by the National Rivers and Harbors Congress, which convened in Washington in December, 1911, consisting of over 1,200 delegates, representing every State in the Union:

"We submit that waterways improved or created by the Federal Government by the use of money contributed by the whole people of the United States should be free for the use of American ships in fair and open competition and on equal terms, without the payment of tolls; but we contend that a water carrier owned, controlled, or operated by a competing land carrier is unfair competition, and in order to preserve to the whole people the benefits of continued fair competition so that the beneficent influence of open waterways shall not be nullified by hostile interests, we recommend the enlargement of the powers of the Interstate Commerce Commission, to the end that the commission may more effectually regulate competing land and water carriers and competing water carriers and provide for the interchange of traffic."

Resolutions adopted at a meeting held in Washington December 6, 1911, composed of delegates representing civic and commercial bodies of the Pacific coast, cities on the Gulf of Mexico and the Atlantic coast, and the cities of Philadelphia, Newark, Trenton, Richmond, Buffalo, St. Louis, Cincinnati, and Pittsburgh.

"Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal for the benefit of its own people as a military measure for the naval protection of either coast in time of war and for the facilitation of its domestic commerce as well as for the furtherance of the commerce of the world;

"Whereas the coastwise commerce between ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations, and particularly with Great Britain;

"Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope, on the one hand, and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

"Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent never dreamed of before, and thus will reduce the cost of a large number of articles of daily use and necessity to the consumer;

"Whereas ample precedents exist for exempting the domestic commerce of the United States from the payment of tolls for passage through the canal; and

"Whereas the operation of the canal under this condition will greatly stimulate and increase American shipping:

Resolved, That the Conference for Panama Canal Free Tolls for American Coastwise Commerce strongly and urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted free passage through the Panama Canal."

The Boston Chamber of Commerce adopted resolutions similar to the above.

Resolutions passed by delegates representing the various chambers of commerce of the Pacific coast held in San Francisco, Cal., October 2, 1911:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things of providing for the national defense, of opening up the shortest possible water route between the respective coasts of the United States and foreign countries, to provide through natural methods and to prevent monopoly of transportation means for transportation between the various sections of the Union at the lowest possible cost, to build up and expand our commerce with foreign nations, and incidentally to encourage the upbuilding of a now decadent merchant marine: Be it

Resolved, That it is the sense of this meeting that there should be no tolls charged through the canal to vessels coastwise flying the American flag; and be it further

Resolved, That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows: 'I can not close this reference to the canal without suggesting as a wise amendment to the interstate-commerce law a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefits of the competition in trade between the eastern and western seaboard which this canal was constructed to secure.'

Resolutions adopted at the forty-second annual meeting of the National Board of Trade, Washington, D. C., January 18, 1912:

"Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal, for the benefit of its own people, as a military measure for the naval protection of either coast in time of war, and for facilitating its domestic and foreign commerce, as well as for the furtherance of the commerce of the world;

"Whereas the coastwise commerce between ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations;

"Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope on the one hand and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

"Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent heretofore found impossible, and thus will reduce the cost of a large number of articles of daily use and necessity;

Resolved, That the National Board of Trade urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted preferential tolls in passing through the Panama Canal: *Provided*, That when such vessels are owned, controlled, or operated, directly or indirectly, by any land transportation line or lines, no preferential tolls shall be granted to the vessels so owned, operated, or controlled."

Resolutions adopted by the Navy League of the United States at convention held in city of Washington, February 23, 1912:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy—amongst other things of providing for the national defense; of opening up the shortest possible water route between the respective coasts of the United States and foreign countries; and of encouraging the upbuilding of our merchant marine, which has practically disappeared from the foreign trade: Be it

• *Resolved*, That although it is the sense of this meeting that the question of tolls through the Panama Canal is one beyond the scope of this league's present activities; yet be it further

Resolved, That as we believe the war-time efficiency of our Navy will depend, in part, on the existence of a fleet of merchant vessels available as naval auxiliaries, we heartily approve of any legislation directly or indirectly aiding in building up the American merchant marine, and we believe that if Congress in its wisdom, deems it advisable to levy tolls, that these tolls should be returned to the ships, either in the coastwise or foreign trade, for the purpose of assisting in rehabilitating that merchant marine."

Resolution adopted by Philadelphia Chamber of Commerce, December 14, 1911:

"Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal for the benefit of its own people as a military measure for the naval protection of either coast in the time of war and for the facilitation of its domestic commerce, as well as for the furtherance of the commerce of the world;

"Whereas the coastwise commerce between the ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations;

"Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope on

the one hand and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

"Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent never contemplated before, and thus will reduce the cost of a large number of articles of daily use and necessity;

"Whereas ample precedents exist for exempting the domestic commerce of the United States from the payment of tolls for passage through the canal; and

"Whereas the operation of the canal under this condition will greatly stimulate and increase American shipping:

Resolved, That the Philadelphia Chamber of Commerce urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted free passage through the Panama Canal."

Resolutions adopted by commercial bodies of the State of Washington, November 3, 1911:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things to provide for the national defense; to open up the shortest possible water route between the ports of the United States and between the United States and foreign countries; to prevent monopoly of means of transportation between the various sections of the Union; and to provide such transportation to the people of the United States at the lowest possible cost; to build up and expand commerce with foreign nations; and, incidentally, to encourage the upbuilding of a now decadent merchant marine; and

"Whereas it is of the utmost importance to the State of Washington, and to all the States bordering on the Pacific Ocean, that their products—lumber, shingles, salmon, fruits, hops, wool, and other products—be most widely distributed at the least possible expense throughout the United States: Now therefore be it

Resolved by the following civic bodies of the State of Washington, viz, the New Seattle Chamber of Commerce, the Tacoma Commercial Club and Chamber of Commerce, the Olympia Chamber of Commerce, the Bellingham Chamber of Commerce, the Everett Chamber of Commerce, the Port Townsend Commercial Club, the Aberdeen Chamber of Commerce, the Hoquiam Chamber of Commerce, the Bremerton Commercial Club, the Raymond Commercial Club, through their representatives in conference assembled, That there should be no tolls charged through the Panama Canal to vessels flying the American flag engaged in coastwise traffic of the United States: And be it further

Resolved, That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows: 'I can not close this reference to the canal without suggesting as a wise amendment to the interstate-commerce laws a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefits of the competition in trade between the eastern and western seaboard which this canal was constructed to secure.' Be it further

Resolved, That a copy of these resolutions be sent to each Senator and Representative of the States west of the Rocky Mountains and of the States bordering on the Atlantic and Gulf of Mexico and of the States in the Mississippi and Missouri River Valleys, and that these resolutions be accompanied by a request to the Senators and Representatives of the State of Washington to support and vote for such arrangement of tolls."

Resolutions adopted by New Orleans Progressive Union, February 9, 1912:

"(1) The New Orleans Progressive Union indorses the proposition that American vessels engaged in coastwise trade shall pay no tolls in passing through the Panama Canal.

"(2) Should it be found necessary that American ships engaged in foreign trade shall pay tollage, the United States Government, by drawback, rebate, or otherwise, shall refund amount to such American vessels.

"(3) In the fixing of tolls for vessels passing through the Panama Canal the President shall have the right to reduce tolls to meet competition or other conditions that may arise, after 90 days' notice.

"(4) If the conditions at any time be found that the canal should be entirely free, that the rebate referred to in section 2 shall nevertheless continue to American vessels."

Resolutions adopted by Central Labor Council of Portland, Oreg., October 10, 1911:

Resolved, That it is the sense of this meeting that there should be no tolls charged through the canal to coastwise vessels flying the American flag; and be it further

Resolved, That we approve of amendments to the present interstate-commerce laws provisions prohibiting railroads under their jurisdiction from owning or controlling ships engaged in the trade through the Panama Canal, to the effect that the people of the United States may have the benefits resulting in competition between the Atlantic and Pacific seaboard, for which purpose this canal was primarily intended."

Resolutions adopted by the Merchants' Association of New York March 5, 1912:

"Whereas the United States, by act of Congress passed in 1884, made the following declaration of policy regarding tolls or charges relative to waterways acquired or constructed by the Federal Government: 'No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use of and benefit of navigation now belonging to the United States, or that may be hereafter acquired or constructed'; and

"Whereas, under that policy, which is still in operation, the United States has expended on local waterway developments nearly \$700,000,000 at the general expense of the whole country; and

"Whereas the Federal Government, in addition to its vast expenditures of public funds upon internal and seacoast waterways, for the use and benefit of all sections and of all the people, free from imposition of tolls or charges for the use thereof, has also made vast grants of public lands of incalculable present value to the transcontinental railroads to promote their construction and the interests of the whole country, especially of the sections which they directly serve; and

"Whereas the Panama Canal is constructed primarily because of the military and economic necessities of the entire United States, and when completed will be of direct commercial benefit to a larger area of the country than any other waterway ever constructed or improved by the Federal Government; and

"Whereas the extension of the general policy of freedom from tolls to the domestic coastwise commerce of the United States passing through the Panama Canal can not create a discrimination against any other nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise because of the fact that no such nation has been or now is permitted by law to engage in such coastwise commerce, which law was in operation and contemplation at the time of the negotiation and ratification of the Hay-Pauncefote treaty; and

"Whereas the provision of the Hay-Pauncefote treaty appears to relate to the avoidance of discriminations between the nations and therefore does not pertain to our domestic coastwise trade, in the treatment of which there can be no such discrimination as prohibited in said treaty: Now, therefore, be it

Resolved, That the report of the special committee on tolls on coastwise commerce passing through the Panama Canal, dated February 28, 1912, be, and hereby is, approved; and be it further

Resolved, That the Merchants' Association of New York opposes the proposition of imposing any tolls, whatsoever upon the domestic coastwise commerce of the United States passing through the Panama Canal, unless it be determined, by competent authority, that the imposing of such tolls is required in fulfillment of our treaty obligations."

Resolutions adopted by the Chamber of Commerce of the State of New York, March 7, 1912:

Resolved, That the Chamber of Commerce of the State of New York earnestly urges the President of the United States and the Congress, while honorably carrying out all existing treaties or obligations entered into with foreign countries, to arrange the tolls on the Panama Canal so as to carefully protect American interests and bring about the upbuilding of our merchant marine; and that we advocate, as a measure to this end, that the rates of toll on vessels engaged in the coastal trade shall be not over one-third the rates charged on vessels engaged in deep-sea business, or free if necessary to accomplish purposes desired.

Resolved, That copies of this resolution be forwarded to the President, the Secretary of War, the Secretary of the Navy, and to all Members of the United States Senate and the House of Representatives."

Resolutions adopted by the Maritime Association of the Port of New York, July 12, 1911:

"Whereas, from present indications, the Panama Canal will be ready for use by merchant shipping in about two years' time; and

"Whereas it is necessary that those contemplating the operation of vessels through the canal should be informed at the earliest possible moment regarding the regulations that will govern said operation, so that sufficient time will be given to conform with every requirement: Therefore be it

Resolved, That Congress be strongly urged to enact at this session such legislation as will enable the President to fix the tolls to be charged for the use of the canal, it being the consensus of opinion of this committee that in the fixing of said tolls American vessels should be exempted from all charges."

Resolutions adopted by the New York Board of Trade and Transportation, December 13, 1911:

"Whereas the Panama Canal is being constructed by the United States Government, and the people of the United States are paying the whole cost thereof, and will be obliged to pay the cost of maintenance and repairs, whether the revenues are adequate or not; and

"Whereas the people of the United States have entered upon this great work chiefly for the benefit that it will be to our own commerce; and

"Whereas the construction of the Panama Canal by the United States will not give to the American people the full measure of benefits they are entitled to if our commerce is compelled to pay the same tolls that other peoples are required to pay: Therefore

Resolved, That, having expended so large a sum in constructing the Panama Canal, the people of the United States are entitled to receive the fullest possible advantages therefrom; that other nations should be permitted to use the canal upon reasonable terms alike to all; that American vessels in the foreign trade should pay the same tolls as vessels of other nations, unless existing treaties would permit such American vessels to pass free; that the commerce of the United States passing between United States' ports should be allowed free passage through the Panama Canal in all ships of American registry and should be regarded and regulated as coastwise commerce of the United States.

Resolved, That we petition the Government and Congress of the United States to give the most serious consideration to the enactment of laws declaring commerce between American ports, passing through the Panama Canal, as coastwise commerce of the United States and free of tolls, and, if treaty provisions or commercial conventions which have provisions for termination by notice from either party will permit, to also consider the making of the Panama Canal free to all vessels of American registry."

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Friday, March 22, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mystic River, Conn. (H. Doc. No. 637), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KOPP, from the Committee on Naval Affairs, to which was referred the bill (H. R. 20193) authorizing the Secretary of the Navy to pay a cash reward for suggestions submitted by

civilian employees of the Navy Department for improvement or economy in manufacturing processes or plant, reported the same with amendment, accompanied by a report (No. 436), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SULZER, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 251) providing for the participation of the United States in the councils of the International Prison Commission, reported the same without amendment, accompanied by a report (No. 437), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURLEY, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 234) making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations, reported the same without amendment, accompanied by a report (No. 438), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GRAY, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 22194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 435), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 22192) for the relief of the estate of Peter McEnery, deceased, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. UNDERWOOD: A bill (H. R. 22195) to reduce the duties on wool and manufactures of wool; to the Committee on Ways and Means.

By Mr. REILLY: A bill (H. R. 22196) to provide for the purchase of a site and the erection of a public building thereon at Branford, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

By Mr. LLOYD: A bill (H. R. 22197) to provide for the enlargement, extension, remodeling, and improvement of the post-office building at Kirksville, Mo., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. GREGG of Texas: A bill (H. R. 22198) to exempt from the payment of duty the articles at the Galveston Cotton Carnival, to be held in the city of Galveston, State of Texas, August 8 to 18, inclusive, 1912; to the Committee on Ways and Means.

Also, a bill (H. R. 22199) to establish a subport of entry and delivery at Port Bolivar, in the State of Texas; to the Committee on Ways and Means.

By Mr. WILLIS: A bill (H. R. 22200) to provide for the erection of a monument to soldiers of the War of 1812 at Fort McArthur, Hardin County, Ohio; to the Committee on the Library.

By Mr. PETERS: A bill (H. R. 22201) to provide for the manufacture and installation of dummy armament and its accessories for the armories of the Coast Artillery Reserves of the Organized Militia; to the Committee on Military Affairs.

By Mr. HANNA: A bill (H. R. 22202) to amend section 4884 of the Revised Statutes of the United States; to the Committee on Patents.

Also, a bill (H. R. 22203) to amend section 4919 of the Revised Statutes of the United States; to the Committee on Patents.

By Mr. KAHN: A bill (H. R. 22204) granting a right of way to the Panama-Pacific International Exposition Co., or any other party or parties approved by the Secretary of War, across the Fort Mason Military Reservation in California; to the Committee on Military Affairs.

By Mr. TOWNSEND: A bill (H. R. 22205) for the acquisition of a site and the erection of a building thereon at Montclair, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. SPARKMAN: A bill (H. R. 22206) providing for the filling in of the ponds and lowlands of the Fort Taylor Military Reservation, Fla.; to the Committee on Military Affairs.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 22207) to regulate the development of hydroelectric power in the navigable waterways of the United States; to the Committee on Rivers and Harbors.

By Mr. WILSON of Pennsylvania: A bill (H. R. 22208) to regulate the issuance of restraining orders and injunctions and procedure thereon, and to limit the meaning of "conspiracy" in certain cases; to the Committee on the Judiciary.

By Mr. ADAMSON: A bill (H. R. 22209) providing for the disposition of effects of deceased patients of the Public Health and Marine-Hospital Service and of certain deceased officers and men connected with the Army; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: A bill (H. R. 22210) to authorize the Choctaw and Chickasaw Indians to bring suit in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. KNOWLAND: A bill (H. R. 22211) to provide for enlarging of Federal building at Oakland, Cal., and for the purchase of additional land; to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: Resolution (H. Res. 452) for the appointment of a special committee to investigate an alleged combination of coal dealers at the head of Lake Superior, in the States of Minnesota and Wisconsin, and to ascertain whether such combination is in violation of the antitrust law and in restraint of interstate commerce, and report recommendation thereon to Congress; to the Committee on Rules.

By Mr. DIFENDERFER: Resolution (H. Res. 453) calling upon the Secretary of War for certain information regarding the printing of document entitled "Three-year Enlistment for the Army" in the Government Printing Office at public expense; to the Committee on Expenditures in the War Department.

By Mr. JACKSON: Resolution (H. Res. 454) requesting the Secretary of the Interior to make an investigation concerning an international agreement as to a world alphabet; to the Committee on Foreign Affairs.

By Mr. FORNES: Memorial from the Senate of the State of New York, requesting the President, Secretary of the Navy, and Representatives in Congress from this State to use their influence in favor of having one new battleship built at United States navy yard, Brooklyn, N. Y.; to the Committee on Naval Affairs.

Also, memorial from the General Assembly of the State of New York, favoring the improvement of the inlet to Lake Champlain; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GRAY: A bill (H. R. 22194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ALLEN: A bill (H. R. 22212) granting a pension to Mary E. Snider; to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 22213) granting a pension to William H. Shands; to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 22214) for the relief of heirs or estate of J. H. Christian, deceased; to the Committee on War Claims.

By Mr. CARTER: A bill (H. R. 22215) granting an honorable discharge to Robert F. Hamilton; to the Committee on Military Affairs.

Also, a bill (H. R. 22216) for the relief of the heirs of James B. and Martha P. Young, deceased; to the Committee on War Claims.

By Mr. CANDLER: A bill (H. R. 22217) for the relief of heirs or estate of W. R. Smith, deceased; to the Committee on War Claims.

By Mr. COVINGTON: A bill (H. R. 22218) for the relief of William E. Bradshaw; to the Committee on War Claims.

By Mr. CURRIER: A bill (H. R. 22219) granting an increase of pension to Anne H. Griffin; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 22220) for the relief of the heirs of Paul A. Tullis; to the Committee on War Claims.

By Mr. FERRIS: A bill (H. R. 22221) granting an increase of pension to Robert Myers; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 22222) granting an increase of pension to Walter D. Pettit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22223) granting an increase of pension to Daniel T. Chapman; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 22224) granting an increase of pension to James S. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22225) granting an increase of pension to George W. Guthrie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22226) granting a pension to Elmer E. Wilson; to the Committee on Invalid Pensions.

By Mr. GARNER (by request): A bill (H. R. 22227) for the relief of W. E. Callahan; to the Committee on War Claims.

By Mr. GOLDFOGLE: A bill (H. R. 22228) granting a pension to Jacob Mandelbaum; to the Committee on Pensions.

By Mr. HANNA: A bill (H. R. 22229) granting an increase of pension to Sarah J. Dunahay; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 22230) granting a pension to Catherine McHenry; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 22231) granting a pension to Franklin Peters; to the Committee on Invalid Pensions.

By Mr. JACKSON: A bill (H. R. 22232) granting an increase of pension to Alexander Chisholm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22233) granting an increase of pension to Jacob J. Howard; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 22234) granting a pension to Josiah George Swinney; to the Committee on Pensions.

Also, a bill (H. R. 22235) granting a pension to Anna M. Spaulding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22236) granting a pension to Catherine T. Bagan; to the Committee on Pensions.

Also, a bill (H. R. 22237) granting an increase of pension to Moses Frankel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22238) for the relief of the legal heirs of A. R. Holzheld; to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 22239) granting a pension to Clara Vinson Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22240) granting a pension to Caroline E. Mason; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 22241) granting an increase of pension to Charles P. Griffith; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 22242) for the relief of Samuel J. Pealer; to the Committee on Military Affairs.

By Mr. McKELLAR: A bill (H. R. 22243) for the relief of heirs of John Rabb, deceased; to the Committee on War Claims.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 22244) granting an increase of pension to Jennie T. Vought; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22245) granting an increase of pension to Angeline G. Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22246) granting a pension to James A. Galloway; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 22247) for the relief of heirs of James Kerr, deceased; to the Committee on War Claims.

By Mr. PORTER: A bill (H. R. 22248) granting an increase of pension to George W. Maggi; to the Committee on Invalid Pensions.

By Mr. RUBERY: A bill (H. R. 22249) for the relief of Joseph L. A. Daugherty; to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 22250) granting an increase of pension to David C. Lingle; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 22251) granting an increase of pension to Henry B. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22252) granting an increase of pension to Joseph Vee; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 22253) granting a pension to Margaret Stephenson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22254) granting a pension to Solomon S. Crosswhite; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22255) for the relief of R. N., A. T., and F. F. Dosser; to the Committee on War Claims.

Also, a bill (H. R. 22256) granting a pension to Mary E. Constable; to the Committee on Pensions.

By Mr. STEPHENS of California: A bill (H. R. 22257) for the relief of Leo Müller; to the Committee on Claims.

By Mr. THISTLEWOOD: A bill (H. R. 22258) granting an increase of pension to Nicholas A. Devore; to the Committee on Invalid Pensions.

By Mr. WILDER: A bill (H. R. 22259) granting an increase of pension to Ellen C. Lewis; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: A bill (H. R. 22260) granting a pension to Lydia C. Norton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the Board of Trade of the city of Chicago, relative to legislation affecting the Diplomatic and Consular Service; to the Committee on Foreign Affairs.

Also, memorial of the Los Angeles (Cal.) Chamber of Commerce, urging that no tolls be charged American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Philadelphia Chamber of Commerce, for legislation to prohibit transcontinental railroads from operating steamship companies through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Maritime Exchange of New York City, commending Congress for its action with respect to the battleship *Maine*; to the Committee on Appropriations.

By Mr. ANDERSON of Minnesota: Petition of H. O. Hanson and 12 others, of Rushford, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of membership of Rimier Grange, No. 1406, Vaughnsville, Ohio, requesting vote for parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. AYERS: Memorial of the Maritime Association of the port of New York, commending Congress for its public-spirited action in providing funds for raising of the U. S. battleship *Maine*, with resolutions adopted on March 15, the day the *Maine* was committed to its last resting place in the sea; to the Committee on Naval Affairs.

By Mr. BOWMAN: Memorials of Barney Oakley, of Dallas; H. P. Armsby, of State College; G. M. Van Tuyle, of Pittston; H. E. Roselle, of Pittston; and C. L. Goodwin, of Pittston, all in the State of Pennsylvania, favoring parcel-post legislation and extension; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Memorial of St. Peter Benevolent Society, of Beaver Dam, Wis., protesting against the resolution of inquiry concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

Also, memorial of the Germania Maennerchor of Fond du Lac, Wis., protesting against the passage of any of the prohibition or interstate liquor measures now pending; to the Committee on the Judiciary.

By Mr. CANDLER: Papers to accompany bill for the relief of estate of W. R. Smith, deceased; to the Committee on War Claims.

Also, petition of the Presbyterian Church of Westfield, Union County, N. J., and from 144 voters in Buchanan, Berrien County, Mich., for the passage of the Kenyon-Sheppard bill on the subject of liquor shipments into "dry" territory; to the Committee on the Judiciary.

By Mr. CATLIN: Memorial of the Merchants' Exchange of St. Louis, and memorial of the Mexico Commercial Club, favoring the passage of Senate bill 4308 and a duplicate thereof (H. R. 17736), making 1-cent rate of postage on ordinary letters; to the Committee on the Post Office and Post Roads.

Also, memorial of the board of directors of the Merchants' Exchange of St. Louis, urging an appropriation of not less than \$100,000 per annum to carry on the work of the Grain Standardization Bureau of the Department of Agriculture, and to establish and maintain a laboratory at St. Louis, Mo.; to the Committee on Agriculture.

Also, memorial of the American Association of Foreign Language Newspapers, opposing an educational qualification for admission of immigrants into the United States; to the Committee on Immigration and Naturalization.

Also, memorial of Holy Ghost Benevolent Society, of St. Louis, Mo., against the resolution of inquiry introduced in the House of Representatives concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

Also, memorial of St. Liborius Young Men's Sodality, of St. Louis, Mo., against the resolution of inquiry introduced in the House of Representatives concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

Also, memorial of St. Barbara's Branch, No. 114, of St. Louis, Mo., against the resolution of inquiry introduced in the House

of Representatives concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

By Mr. CURLEY: Memorial of a committee of citizens named to investigate the strike in Lawrence, Mass.; to the Committee on Rules.

By Mr. FORNES: Memorial of Naval Camp, No. 49, United States Spanish War Veterans, Department of New York, at Brooklyn, N. Y., advocating Mr. Crago's pension bill (H. R. 17470), signed by William Hansen, commander, and Frank H. Penner, adjutant; to the Committee on Pensions.

Also, memorial of the Maritime Association of the port of New York, on the occasion of the committing the wrecked United States battleship *Maine* to its last resting place March 15, commending Congress for its patriotism in providing funds for raising the ship from Habana Harbor; to the Committee on Naval Affairs.

Also, memorial of the Brooklyn League, urging that one of the proposed new battleships shall be constructed at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. FRANCIS: Petition of Russell Cash, of Bellaire, Ohio, and 7 others of Neffs, Ohio, protesting against the passage of the parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition by members of Cassville (Ohio) Grange No. 1765, Patrons of Husbandry, favoring the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of R. G. Hogue and other citizens of Belmont, Ohio, and vicinity, favoring the passage of the Sulzer bill (H. R. 14) to reduce postal rates, to improve the postal service, and to increase postal revenues; to the Committee on the Post Office and Post Roads.

Also, petition of John J. Sheehan, of Bellaire, Ohio, and divers other citizens of Bellaire and Martins Ferry, favoring the insertion of a clause in the naval appropriation bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. FULLER: Petition of Rockford Brass Works, of Rockford, Ill., against the passage of the Campbell bill (H. R. 16844) relating to placing of manufacturer's own name on manufactured articles, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of W. H. Rowan, H. R. Puterbaugh, T. B. Richardson, M. E. Humphrey, C. G. Humphrey, and Albert Larson, all of Belvidere, Ill., in favor of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of E. P. Lathrop, of Rockford, Ill., favoring the passage of the Pepper bill, relating to withdrawal of alcohol from revenue tax under certain conditions, etc.; to the Committee on Ways and Means.

Also, petition of Local Union No. 224 and numerous citizens of La Salle, Ill., in favor of the construction of one battleship in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of I. K. Neely, of La Salle, Ill., against a parcel post until after investigation by an impartial commission, etc.; to the Committee on the Post Office and Post Roads.

Also, petitions of Howard C. Collins, W. J. Ferguson, and George W. Collins, all of Rockford, Ill., in favor of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of W. B. Neff, B. F. and Roy L. Craig, and Roy E. Blackmer, all of Kirkland, Ill., in favor of a parcel post, etc.; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Petition of a German society of Chicago, Ill., protesting against further restriction of immigration; to the Committee on Immigration and Naturalization.

Also, papers to accompany bill for the relief of Jacob Mandelbaum; to the Committee on Invalid Pensions.

Also, memorial of Edward Lauterbach, president of the National Liberal Immigration League for the Proper Regulation and Better Distribution of Immigration, 150 Nassau Street, New York, setting out condition of affairs of the league; to the Committee on Immigration and Naturalization.

Also, memorial of the International Dry Farming Congress, with the resolution adopted at Lethbridge, Alberta, Canada, setting out conditions of homesteaders in the mountain districts and recommending that an additional year's absence be granted without deducting time for such absence; to the Committee on the Public Lands.

By Mr. HAMMOND: Petition of C. A. Torkelson, of St. James, Minn., and 76 other residents of second congressional district of Minnesota, favoring parcel post; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of A. O. Brown, jeweler, and other citizens of Hettinger, N. Dak., and V. E. Maynard and other

citizens, of Bismarck, N. Dak., opposing parcel-post extension; to the Committee on the Post Office and Post Roads.

Also, petition of C. S. Erickson, Palermo, N. Dak., in favor of reduction of tax on raw and refined sugar; to the Committee on Ways and Means.

Also, petition of J. F. Barker and other citizens, of Egeland, N. Dak., favoring the repeal of Canadian reciprocity; to the Committee on Ways and Means.

Also, memorial of Minot Socialist Local, Minot, N. Dak., favoring enfranchisement of women; to the Committee on the Judiciary.

Also, memorial of St. Johannes Mutual Aid and Benefit Association and citizens of Richland County, N. Dak., protesting against resolution of inquiry concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

Also, petition of 30 dairymen and citizens of Rhein, N. Dak., protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. KAHN: Papers to accompany bill for the relief of the heirs of A. R. Holzheld; to the Committee on Claims.

Also, papers to accompany bills for the relief of Moses Frankel and Anna M. Spaulding; to the Committee on Invalid Pensions.

Also, papers to accompany bills for the relief of Catherine T. Bogan and Josiah George Swinney; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: Memorial of the German-American Alliance of Pottsville, Pa., protesting against the passage of any prohibition or interstate liquor legislation; to the Committee on the Judiciary.

By Mr. LLOYD: Petition of a number of Michigan merchants, against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of Fred L. Scott and 37 other voters of Arenac and Ogemaw Counties, Mich., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. McCALL: Petition of Arthur W. Wellington and others, of Weston, Mass., favoring parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. McHENRY: Petition of Columbia Grange, No. 40, Patrons of Husbandry, Stillwater, Pa., favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of Los Angeles (Cal.) Chamber of Commerce, urging that no tolls be charged American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT: Petition of Peter J. Mooney, of Fulton, N. Y., and 20 others, favoring the passage of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. NEEDHAM: Memorial of the Emeryville Civic Center, of Emeryville, Cal., asking Congress to appropriate funds needed to prosecute violations of the law forbidding the white-slave traffic; to the Committee on Appropriations.

Also, memorial of the Chamber of Commerce, Los Angeles, Cal., protesting against the policy of charging tolls through the Panama Canal to vessels flying the United States flag and approving the recommendations of President Taft in his message of December 6, 1910, forbidding interstate-commerce railroads from owning or controlling ships engaged in trade through the canal; to the Committee on Interstate and Foreign Commerce.

By Mr. OLDFIELD: Papers to accompany bill for the relief of estate of James Kerr; to the Committee on War Claims.

By Mr. OLMSTED: Petition of Newton Grange, Cumberland County, Pa., and of Penn Grange, No. 1485, Cumberland County, Pa., urging the passage of House bill 19133, providing for a system of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Penn Grange, No. 1485, Penn Township, Cumberland County, Pa., urging the passage of the bill prohibiting the coloring of oleomargarine; to the Committee on Agriculture.

By Mr. PICKETT: Petition of Mrs. W. W. Marsh, president of Woman's Club, and 46 other members, of Waterloo, requesting the preservation of the Falls of Niagara; to the Committee on Foreign Affairs.

Also, petition of 24 citizens of Waterloo, Iowa, urging that a clause be inserted in naval appropriation bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of 17 citizens of Cresco, Iowa, protesting against the enactment of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. REDFIELD: Memorial of the Brooklyn League, for construction of one battleship in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. REILLY: Petition of Owenoco Tribe of Improved Order of Red Men, favoring Senate bill 3593 and House bill 16313, for the erection of an Indian memorial and museum in Washington, D. C.; to the Committee on the Library.

By Mr. STEENERSON: Memorial of City Council of Thief River Falls, Minn., asking for congressional investigation of combination of coal dealers at head of Lake Superior; to the Committee on Rules.

By Mr. SULZER: Memorial of Tompkins County (N. Y.) Pomona Grange, relative to oleomargarine legislation; to the Committee on Agriculture.

Also, memorial of the Alumni Association of the New York Nautical School, relative to establishing marine schools, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Toone, Tenn., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of the Maritime Exchange of New York City, indorsing the action of Congress with respect to the battleship *Maine*; to the Committee on Naval Affairs.

Also, memorial of the New York State Senate, for construction of one battleship in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of the Brooklyn League, for the construction of one battleship in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of the Coppersmiths' Union of New York, for construction of one battleship at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petitions of William Klein, W. E. Bloch, Joseph Goodman, H. E. Levy, Weiss Amusement Co., and Pathé Frères, of New York City, for amending the copyright act of 1909; to the Committee on Patents.

Also, petitions of the New York Board of Trade and Transportation, the Chamber of Commerce of San Francisco, Cal., and the Commercial Club of Council Bluffs, Iowa, for an appropriation to enable the United States Government to participate in the Fifth International Congress of Chambers of Commerce; to the Committee on Appropriations.

Also, petitions of Maurice Simmons, commander in chief United Spanish War Veterans, and Camps Nos. 10 and 49, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

Also, memorial of the Chamber of Commerce of the State of New York, relative to toll rates through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the New York State Assembly, for improvement of the Lake Champlain inlet; to the Committee on Interstate and Foreign Commerce.

Also, petition of F. E. Vogel, of New York City, protesting against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, memorials of boards of trade of New York City, Philadelphia, Akron, Ohio, and Elizabeth, N. J., indorsing House bill 20044; to the Committee on Foreign Affairs.

Also, memorial of McKesson & Robbins, of New York City, for certain amendment to the chemical schedule; to the Committee on Ways and Means.

Also, petition of United Garment Workers of America, for enactment of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of J. W. Simonson, of Brooklyn, N. Y., urging passage of House bill 21530, for the relief of Frank Bowers; to the Committee on Claims.

Also, petition of American Veterans of Foreign Service, for payment of traveling allowances, etc., of certain volunteer organizations for service in the Philippines; to the Committee on Claims.

By Mr. TAGGART: Petitions of citizens of the State of Kansas, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of citizens of the State of Kansas, for legislation prohibiting the manufacture and sale of intoxicants for use as a beverage, etc.; to the Committee on the Judiciary.

Also, petition of citizens of Kansas City, Kans., for old-age pensions; to the Committee on Pensions.

Also, memorial of the Commercial Club of Topeka, Kans., for a domestic immigration policy; to the Committee on Immigration and Naturalization.

Also, memorial of the Kansas State Horticultural Society, for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Kansas, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of the Mothers' Club and churches in Iola, Kans., for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of German societies in the State of Kansas, protesting against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of Maryland Association of Certified Public Accountants, protesting against employment by the United States Government of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of the Board of Commissioners of Highways of Grant Township, Douglas County, Kans., for improvement of the highway between Forts Leavenworth and Riley, in Kansas; to the Committee on Military Affairs.

Also, memorials of the Wisconsin Country Life Conference Association and the Golden Belt Educational Association, of Kansas, for establishing agricultural extension departments in connection with agricultural colleges; to the Committee on Agriculture.

Also, memorial of the Board of Commissioners of Kansas City, Kans., for improvement of a certain portion of the Missouri River; to the Committee on Rivers and Harbors.

Also, petition of Post No. 51, Department of Kansas, Grand Army of the Republic, protesting against proposed incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, petition of members of Improved Order of Red Men of second congressional district of Kansas, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of the Chamber of Commerce of Pittsburg, Kans., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. WILLIS: Petition of George Cleveland and 60 other citizens of Delaware County, Ohio, asking for the extension of the parcel post; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, March 22, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with.

FORTIFICATIONS APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist on its amendments and agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. PERKINS, Mr. SMOOT, and Mr. OVERMAN conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 19342) to amend section 2455 of the Revised Statutes of the United States, relating to isolated tracts of public land.

The message also announced that the House had passed the bill (S. 3475) extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 1332. An act regulating Indian allotments disposed of by will;

H. R. 1047. An act to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize

the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes";

H. R. 12211. An act to amend the act of February 18, 1909 (35 Stat. L., p. 626) entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes";

H. R. 13417. An act granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes;

H. R. 14925. An act to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1910;

H. R. 16101. An act providing for patents to homesteaders on the ceded portion of the Wind River Reservation in Wyoming;

H. R. 18661. An act to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906;

H. R. 19071. An act granting extension of time to the St. Cloud Electric Power Co. to construct a dam across the Mississippi River;

H. R. 19418. An act to amend section 5 of an act entitled "An act to regulate fees and costs, and for other purposes," approved February 22, 1875;

H. R. 20347. An act to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.;

H. R. 20491. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors of said war;

H. J. Res. 239. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the Army and Navy Union, United States of America;

H. J. Res. 263. Joint resolution to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal; and

H. J. Res. 276. Joint resolution authorizing the Secretary of Agriculture to make an exhibit at the Fifth National Corn Exhibition, at Columbia, S. C.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of Cigar Makers' Local Union of Bayamon, P. R., praying for the enactment of legislation granting to citizens of Porto Rico the right to become citizens of the United States, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of the congregation of the Friends Church of North Loup, Nebr.; of the Woman's Foreign Missionary Society of Mazon, Ill.; and of the Woman's Christian Temperance Unions of Mazon, Ill., and Fulton, Ky., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD (for Mr. GAMBLE) presented a petition of sundry citizens of Okmulgee County, Okla., praying that an appropriation be made to continue the district Indian agencies in eastern Oklahoma, which was referred to the Committee on Indian Affairs.

He also (for Mr. GAMBLE) presented memorials of sundry citizens of Nowata and Durant, Okla., remonstrating against the discontinuance of the district Indian agencies in eastern Oklahoma, which were referred to the Committee on Indian Affairs.

He also (for Mr. GAMBLE) presented petitions of sundry citizens of Akron, Iowa; of Bridgewater, Brookings, Centerville, Sistersville, Meadow, and Sturgis, S. Dak.; and of Cambria, Wis., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. GAMBLE) presented a petition of members of the Commercial Club of Ardmore, S. Dak., praying for the enactment of a more favorable immigration law, which was ordered to lie on the table.

Mr. WETMORE presented resolutions in the nature of a petition adopted by the Rhode Island Business Men's Association, in convention at Providence, R. I., favoring the enactment of legislation to provide for the establishment of an international commission to investigate the high cost of living, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of North Smithfield, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of sundry citizens of Peterborough, Brookline, and East Alstead, all in the State of